NATIONAL MUNICIPAL REVIEW

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THE WASHINGTON MEETING

All Welcome.—All, whether members of the National Municipal League or not, are cordially welcomed to the meeting. For program see opposite page.

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Allied Organizations Meeting at Same Time and Place.
City Managers' Association, November 13–15.
Governmental Research Conference, Nov. 14–16.
National Association of Civic Secretaries, Nov. 15–17.

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Local Headquarters.—All meetings will be held at the Washington City Club, 1320 G. Street N. W. The club has generously thrown open its house for all attending the convention. As there are no dormitory quarters at the club, hotel reservations will be necessary.

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The Following Hotels Are Suggested as Being within Easy Walk of the City Club:

	Distance from City Club	*Single with Bath*	*Single without Bath*	*Double with Bath*	*Double without Bath*
Harrington	3 blocks	$3.50	$3.00	$5.00	$4.00
Willard	2 blocks	5.00	3.00	7.00	5.00
Washington	3 blocks	5.00	....	8.00	....
Shoreham	3 blocks	5.00	4.00	6.00	6.00
Franklin Square	3 blocks	3.50	2.50	5.00	4.00

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Sightseeing Trip Around Washington.—On Friday afternoon, November 16, we shall be the guests of the Washington Committee on the Federal City Plan of the American Civic Association upon an automobile tour of Washington. The autos will leave the City Club at 3.30 o'clock and will return in time for the business meeting.

The American Civic Association has been very influential in preserving and promoting a city plan for the National City of which present and future generations may be proud. This is a rare chance to see Washington under helpful auspices.

Special Opportunity to Observe Washington Government.—Due to the hospitality of the Commissioners of the District of Columbia, a schedule of trips has been worked out to enable all those attending the convention to select the activities in which they are interested and to see the work under the direct leadership of the head of the department concerned. A special trip will also be made to the Bureau of Standards where everyone can see how that institution is helping and can help the cities. The schedule appears in full in the printed program. Write for a copy if you have not received one.

Reduced Railroad Fares.—Special railroad fares to Washington and return at the rate of one and one-half times the one-way fare will be available to those attending the meetings of the National Municipal League and the City Managers' Association, provided that at least 250 persons follow out the procedure prescribed by the railroads. Although the saving to those within short distance of Washington may not be great, everyone is urged to secure certificates before leaving home and to have them validated in Washington. You will thus help to complete the necessary quota, a kindness which will be much appreciated by those from a distance.

Each person and his (or her) dependents should buy *one-way tickets* to Washington between November 9 and 15. For each ticket purchased secure a certificate, *not a receipt.* Upon arrival in Washington deliver the certificate personally to John G. Stutz, secretary of the City Managers' Association, before 5.00 P.M. on November 15. If a total of 250 certificates are secured, they will be validated and the holders will be permitted to return by the same route they came for one-half the usual fare. Return tickets must be purchased before November 21.

Saturday, November 17, a Free Day.—In order that those anxious to visit the various points of interest may do so without missing any of the regular sessions, no formal meetings will be held Saturday. It is hoped that members and guests will postpone their sightseeing until the third day. Government departments are open on Saturday as on other days.

Schedule your sightseeing parties for Saturday and you will miss nothing on the program.

Meeting Rooms.—Dinner Session, Thursday in ballroom: all other meetings in blue room, City Club.

PROGRAM OF THE MEETING OF THE GOVERNMENTAL RESEARCH CONFERENCE

CITY CLUB, WASHINGTON, D. C., NOVEMBER 14, 15, 16

Wednesday, November 14

9.30–12.00 W. F. Willoughby, Presiding.
Statement by Presiding Officer.
Statement by Conference Chairman.
Report of the Executive Committee of the Conference on the tentative constitution, with discussion and action.

12.30–1.45
Informal lunch.
Report by Frederick P. Gruenberg on the National Conference on the Science of Politics.

2.00
Report by H. W. Dodds, Secretary of the National Municipal League, on a proposed plan for a Central Research Agency and clearing house of the Conference in co-operation with the National Municipal League.

6.30–8.00
Informal dinner to be devoted to three-minute statements of the year's most important accomplishments, concluded in time for the theaters.

Thursday, November 15

8.30–9.30
Round table breakfasts on budget and accounting procedure.

9.00–12.30 Herbert D. Brown, Presiding.
Tests of good government, followed by discussion of bureau problems and methods of work.

12.30–2.00
Joint lunch with the National Municipal League on Municipal Transportation.

Friday, November 16

9.30–12.30 Henry M. Waite, Presiding.
Joint meeting with the National Municipal League on Problems of Public Works Administration.

ANNUAL CONVENTION OF THE CITY MANAGERS' ASSOCIATION

THE CITY CLUB, WASHINGTON, D. C., NOVEMBER 13, 14, 15, 1923

Tuesday, November 13

10.30 A.M. to 12 M.

Opening Session.
Address of Welcome—Cuno H. Rudolph, President of the Board of Commissioners of the District of Columbia.
Response—Louis Brownlow, President of the Association.
Announcements.
Appointment of Committees.

12.30 to 2 P.M.

Fellowship Luncheon—H. G. Otis, City Manager of Clarksburg, W. Va., presiding.
Introductions.
Report of the Secretary, John G. Stutz.

8 P.M.

Evening Session—Edwin J. Fort, City Manager of Niagara Falls, N. Y., presiding.
Round Table Discussion:
"The Relations of the City Manager—
"With the Council,"
George J. Roark, City Manager, Beaumont, Tex.
Albert L. Roper, Mayor, Norfolk, Va.
"With his Subordinates,"
C. Wellington Koiner, City Manager, Pasadena, Calif.
"With the Public,"
C. E. Ridley, City Manager, Bluefield, W. Va.
"With the Universities,"
Thomas H. Reed of the University of Michigan.
"With the Movement for Public Welfare,"
Howard W. Odum of the University of North Carolina.

Wednesday, November 14

9 A.M. to 12 M.

Morning Session—H. H. Sherer, City Manager of Glencoe, Ill., presiding.
Round Table Discussion:
"Problems of the City Manager in a Community of about 15,000,"
W. A. Layton, City Manager, Salina, Kans.
W. P. Hammersley, General Manager, Norwood, Mass.
B. H. Calkins, City Manager, Albuquerque, N. M.
"Problems of the City Manager in a Community of about 10,000,"
Frank D. Danielson, Village Manager, Hinsdale, Ill.
P. H. Beauvais, City Manager, Royal Oak, Mich.
"Problems of the City Manager in a Community of about 5,000,"
N. A. Kemmish, City Manager, Alliance, Neb.
J. P. Broome, Town Manager, Salem, Va.
Edd Wrenn, City Manager, Reidsville, N. C.
C. D. Forsbeck, City Manager, Red Oak, Ia.

12.30 to 5.30 P.M.

Luncheon in Alexandria, Va.—Wilder M. Rich, City Manager of Alexandria, presiding.

Visit to Mount Vernon, the home and tomb of George Washington.

Visit to the Arlington experimental roadways.

6.30 P.M.

Annual Dinner—O. E. Carr, City Manager of Dubuque, Ia., Toastmaster.

"The Importance of Municipal Government,"
Herbert Hoover, Secretary of Commerce.

"The Origin of the City Manager,"
Richard S. Childs, Vice-President National Municipal League.

Thursday, November 15

9 A.M. to 12 M.

Business Session.

"City Managership—a Profession" of Gen. J. P. Jervey, City Manager, Portsmouth, Va.

Round Table Discussion,
C. A. Bingham, City Manager of Lima, O., presiding.

2 P.M.

Visit to the Bureau of Standards.

6.30 P.M.

Joint dinner with the National Municipal League, Col. H. M. Waite, Toastmaster.

Progress of a Generation in Municipal Government,
George W. Wickersham, former Attorney General.

A Report on the First Election in Cleveland under the City Manager Charter,
Dr. A. R. Hatton.
Erie C. Hopwood, Editor, Cleveland Plain Dealer.

THE LAST IRISH ELECTION

PROPORTIONAL REPRESENTATION RETURNS REPRESENTATIVE BODY

BY GEORGE H. HALLETT, JR.
Assistant Secretary, Proportional Representation League

An analysis of Ireland's bloodless election of August last.

PRESS dispatches about the Dail Eireann elections of August 27 were characterized by such phrases as "the vagaries of proportional representation." Nevertheless, judged by present American election standards, the results were in many respects truly remarkable. Some of the so-called "vagaries" directly attributable to the use of P. R. in these first elections under the Free State constitution are here recorded.

REPRESENTATION FOR ALL

In not a single one of the twenty-eight election districts (not including the two special University constituencies) was the representation monopolized by one party. There were only six districts in which the representation was even confined to two parties. The preceding table shows the inclusive character of the new Dail.

REPRESENTATION SECURED BY THE SEVERAL PARTIES IN THE FOURTH DAIL EIREANN

Party	Seats	Per cent
Government	63	41
Republican	44	29
Labor	15	10
Farmer	15	10
Independent	16	10
Totals	153	100

Forty-six out of 153, or 30 per cent of the entire membership of the new Dail, are not members of either of the two major parties. Thirteen are independents elected from contested areas where three weeks before the election none of them had any effective organization. (The elections were not announced until August 8.) The presence of so many minority members is not regarded as an embarrassment by the Government, but as an aid in the intelligent solution of problems which concern the entire people. In fact President Cosgrave has publicly expressed regret that the Labor Party, which in the absence of the Republicans constituted the official opposition in the preceding Dail, did not elect more members.

AN ACCURATE REFLECTION

Each considerable body of opinion elected members in close proportion to its voting strength.

POPULAR VOTE FOR DAIL EIREANN
(Exclusive of University Seats)

Party	First-choice votes	Seats won	Percentage of	
			Votes	Seats
Government	414,314	60	39	41
Republican (Anti-Treaty)	285,924	44	27	30
Labor	142,388	15	13	10
Farmer	135,972	15	12	10
Independent	94,155	13	9	9
Totals	1,072,753	147	100	100

The Irish press classes all the Farmer, Labor, and Independent members as favorable to the Treaty. Accepting this classification as substantially correct, we have the following vote on the most important issue of the campaign, Universities being excluded:

	First-choice votes	Seats won	Percentage of	
			Votes	Seats
Pro-Treaty	786,829	103	73	70
Anti-Treaty	285,924	44	27	30
Totals	1,072,753	147	100	100

Both sides say that they did not poll their full vote, the Treaty supporters because of indifference or a lingering fear of the consequences of political activity, the Republicans because most of their candidates and many of their voters were either in jail or "on the run." Both sides complain of wholesale omissions in registration on account of the shortness of time allowed the registration officers. Be that as it may, all those who did vote were given a chance to express themselves freely for or against the Treaty and the results are an accurate reflection of their expression.

LEADERS ELECTED

Without the need of a primary, the election brought success to the particular candidates of each party who were most favored by the party's voters. Practically all the outstanding figures in Irish public life were returned. When the Dail reconvened on September 19 President Cosgrave was able to reappoint his entire cabinet from its number.

County Dublin elected from the same district Minister for Home Affairs Kevin O'Higgins; Minister for Foreign Affairs Desmond Fitzgerald, one of the Free State delegates to the League of Nations; M. J. Derham, another government member of the preceding Dail; Thomas Johnson, the leader of the Labor Party; Dr. Kathleen Lynn, Republican campaigner; Major Bryan Cooper, former Unionist member of the British Parliament; J. Good, business men's candidate; and Darrell Figgis, formerly honorary secretary of Sinn Fein, who helped draft the Free State constitution.

Joseph McGrath, minister of industry and commerce, and Patrick Rutledge, "Acting President of the Irish Republic," were both elected from North Mayo.

Eamon de Valera headed the poll in Clare with Dr. John MacNeill, minister for education, second. De Valera's surplus was large enough to elect B. O'Higgins, another Republican member of the preceding Dail, who on the count of first choices stood lowest on the poll with only 114 ballots out of 39,445. A large proportion of De Valera's supporters had marked Mr. O'Higgins as second choice. When more than half of their ballots were found not to be needed for De Valera, they put O'Higgins well up in the race, ahead of the other three Republican candidates, whose ballots, when they were defeated, completed his quota. This was a striking example of the way in which the transferable vote feature of P. R. enabled the voters to make their ballots effective, not only for parties but for individuals, without giving any thought to the relative

strength of the parties or to the candidates' supposed chances of election.

Five women were elected. They include Margaret O'Driscoll, sister of Michael Collins, Mary MacSwiney, Countess Markievicz and Mrs. Cathal Brugha. Four other women had previously been elected to the senate.

There was no violent fluctuation in the relative strength of parties as compared with the preceding Dail, also elected by P. R. The total membership being increased from 128 to 153, the Government party gained 5 seats, the Republicans 8, the Farmers' party 8, and Independents 6. Labor lost 2 seats, largely due to internal strife. There was a satisfying continuity of personnel. Members of the third Dail were re-elected as follows: Government 37, Republicans 14, Farmers 5, Labor 9, Independents 6, Total 71. Nineteen members were defeated.

GOOD FEELING PREVAILED

The elections, to quote an editorial in the *Irish Independent*, "were, perhaps, the most peaceful elections in this country for a generation. There was no intimidation, and very little personation." Each group knew that it was sure of electing its share of the members without making desperate efforts to win a few scale-turning votes and that nothing it could do could keep other groups from electing their share also. The *Evening Telegraph* said, with approximate accuracy: "Not a drop of blood was spilled during the whole day. The British and foreign press is disgusted, and rightly so. They expected to have moving stories of gunmen shooting up the polling stations and registering the will of the people in bullet holes and hospital lists. They anticipated a war and got only an election." At the conclusion of the counts in Clare and Kerry compliments were exchanged publicly by Government spokesmen and Republicans. Both parties had been successful.

In Kerry, Fionan Lynch, minister of fisheries, "trusted that as the Government's opponents had used the ballot box they would proceed on constitutional lines and help to build up the nation." Similar sentiments were expressed by other Treaty supporters and by President Cosgrave himself. At the time this article is written, the Republicans are persisting in their policy of non-participation in the Dail. There can be little doubt, however, that the full effect given the Republican votes in the election of 44 members has strengthened the hands of those opponents of the Treaty who counsel the achievement of complete independence by peaceful means.

Government supporters, meanwhile, do not reproach P. R. for Republican successes. They take the view of Dr. Sherlock, returning officer for Dublin: "A country does not get rid of difficulties by simply ignoring dangerous situations. The P. R. system, while preserving majorities, secured representation for substantial minority views."

AKRON DROPS CITY MANAGER

BY EARL WILLIS CRECRAFT

University of Akron

By a majority of 172, the voters of Akron have transferred to the mayor the functions of the city manager. :: :: :: :: ::

AKRON has done away with the city manager plan and has greatly increased the powers and duties of the mayor by adopting a number of amendments to the charter at the August primary.

The city has been operating under a manager charter for over three years. In that time it has had three managers, each one selected locally. The first was a lawyer who had formerly been mayor. When the charter went into effect he was again elected mayor, but immediately after being inducted into office, he resigned and was elected city manager by a council composed largely of his own political associates. This drew forth much criticism which lasted more than a year. Eventually he was removed by vote of the council. The second manager was a business man. The third is an engineer, formerly at the head of the city water works.

At the recent primary ten amendments to the charter were adopted by the voters. These amendments had the support not only of the two leading newspapers representing the two major political parties, but also of the two party organizations. The friends of the city manager charter were represented in the campaign by a non-partisan committee of one hundred citizens whose membership was made up largely of chamber of commerce members, former charter commissioners, and other non-political groups.

SENTIMENT CLOSELY DIVIDED

About 31 per cent of the registered voters of the city voted on the charter amendments. The vote stood 7,266 for, and 7,094 against. The manager plan was thus voted out by a majority of only 172. Sentiment was pretty evenly divided.

The amendments concern the office of mayor as well as manager. They also concern the city council. The section of the charter creating the office of city manager is repealed, and his duties transferred to the mayor. The mayor will continue to be elected for only two years. His salary is to be $7,000. He ceases to be the presiding officer of the council, but he retains his veto power and succeeds to the manager's right to take part in the discussions of the council and to submit measures for their consideration.

The mayor also inherits the manager's right to appoint a law director, individual heads of the public service, safety, social service, and finance departments, and members of the civil service commission. Other duties of the mayor are supervision over the enforcement of law; informing council on the city's financial condition; making recommendations to council; exercising control over all departments; supervising the carrying out of the terms of the various franchises; submitting to council for adoption an administrative code including details of administrative procedure. He retains his former duties of appointing and removing members of the sinking fund commission, the city-planning commission, the trustees of the public library, and the directors of the municipal university.

MAYOR'S OFFICE ENHANCED

The spirit of the amendments is to enhance the power and the position of the mayor. The council formerly had the power of appointing and removing the city manager. The mayor is independent of council and exercises the combined duties of manager and mayor. In only one provision of the charter as it now stands is there a suggestion that the council may have some degree of control over the mayor by express authority. This is the provision formerly applying to the manager to the effect that he "shall be responsible to the council for the proper administration of all the affairs of the city." In a national parliamentary system such a provision might well be used to establish the principle of ministerial responsibility. But in the present instance one can safely predict that it will be of no value to the local legislative body. The council does not have the right to remove the mayor.

The council may, however, decrease as well as increase the items of the budget. The provision for an independent audit by the council of the city's financial accounts is now repealed. Other changes of minor importance are included in the amendments adopted.

The most important feature among the ten amendments is the discontinuing of the office of city manager. Some may view it as the complete elimination or even repudiation of the manager idea, so far as Akron is concerned. Others will see in it a step towards greater concentration of responsibility and authority with an accompanying measure of popular control. Those who promoted the change used very effectively the argument that the federal as well as the state governments are based on the idea of popular election and control of their chief administrators, and that the city governments should be based on the same idea.

PLANNING AND ZONING PROGRESS IN MASSACHUSETTS

BY EDWARD T. HARTMAN

State Consultant on Housing and Planning, Massachusetts

What is happening in the state which has made a general grant of zoning and planning powers to the localities. :: :: :: ::

In the matter of legislation Massachusetts uses a method distinctly superior to that of many other states. She is at times inconsistent in that she does occasionally pass special legislation, but she is honest about it, does it directly and openly, without the subterfuge of "first," "second," and so on class cities. Massachusetts has some first-class cities, but she has no cities of the first class. She does not grade her cities by population for the specific political purpose of evading an American tradition.

What does it amount to? It amounts to this, in the main, that when Massachusetts passes social legislation she applies the principle to her entire area. She does not apply it, as is so often done, to the largest, and there-

fore the worst, as very commonly happens in certain respects, and refuse relief or constructive action to other places till they have become so injured that the remedy does little good. In order to avoid too drastic action she at times makes a law mandatory in all places down to a given population and thereafter permissive, or she may make it permissive throughout or mandatory throughout, as conditions warrant.

GENERAL GRANTS OF POWER

As a result Massachusetts grants more powers to localities generally than are commonly found. The following are some examples of laws which apply, or which by municipalities may be made to apply, throughout the commonwealth: Housing, planning and zoning; playgrounds, parks and recreation; juvenile courts and probation; physical training, medical inspection, school nursing and dental clinics; regulation of street trades, child labor and hours of labor for women. Others might be mentioned, but these will illustrate the principle.

This all accounts for the nature of the Massachusetts planning board law, which reads in part as follows:

> Every city and every town having a population of more than ten thousand at the last preceding national or state census shall, and towns having a population of less than ten thousand may, create a planning board, which shall make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants.

It will be noted that this law lays special emphasis on housing. This reflects one of the leading interests of the people at the time the law was written. Taken together with other powers specifically provided elsewhere and with the board of survey act and the zoning act, it is now felt that Massachusetts municipalities have practically all the powers which the conditions warrant.

The net result to date is that sixty-two planning boards have been established. Some places which should have boards have not taken action. Not all the boards have been active, but a recent study of the boards by direct contact shows a most encouraging development during the past three years. The most significant thing is the state of awareness of the problems with which the various boards are confronted. Excellent progress has been made in many directions. But it must be remembered that the movement is new and the number of trained, even interested, persons available for the work was most limited when the law was passed. It is encouraging to find now from a few to many people in every community who are keenly interested and alive to the many problems which come under the head of planning board work. The range is most encouragingly wide. Here are some of the items under consideration, all of them represented by successful accomplishment in many places.

SUCCESSFUL ACCOMPLISHMENT

Through ways or main thoroughfares are being widely developed and everywhere considered. The development of the automobile is responsible for this. Local traffic and through traffic have to be accommodated so that each will as little as possible interfere with the other. Main thoroughfares are being paralleled by new thoroughfares and it is significant that all the special planning studies have particularly and carefully developed this subject. The need is great. There are a number of places with many ways leading into them from several directions but with

no proper means of transit through the most built-up area. There may be but one way through the center, and this may be accompanied by jogs and turns, at times all routes from all directions having for a space to use in common a single street, with consequent congestion, confusion and delay. The important point is that the problem is recognized.

Setbacks or building lines, for the purpose of widening streets by the most economical and evolutionary method, are being actively established. In this respect Brookline easily takes the lead. During the twelve years ending with 1921 she had arranged for widening thirty-six streets through a total length of 62,472 feet. By this action Brookline adds 572,856 square feet to her street area and aids enormously in the solution of her traffic problems.

City and town maps are being produced as never before. Many places have had no satisfactory maps, showing the street system even. Contour, street and property line maps are of imperative value in all planning and zoning work. At the suggestion of the Massachusetts Federation of Planning Boards many of the maps are being made on the scale of four hundred feet to the inch. This gives a satisfactory scale and enables the combined problems of two or more places to be studied with ease. In connection with all zoning problems it is important that all maps be drawn to scale, for width of streets and size of blocks as well as for length of streets. This has not been done in some cases.

ZONING EPIDEMIC

Zoning is becoming epidemic in Massachusetts. Not a great many places have zoning laws in actual operation, but many places are studying their problems and drafting schemes. Good progress is being made and the extent of the movement may be indicated by the statement that practically every place with a planning board is considering it. Under the Massachusetts law every foot of her area may be zoned. The law is not retroactive and much effort is being put into studies of the spirit and traditions of places, as well as into actual and prospective developments. It is generally admitted that enlightened self-interest requires zoning everywhere. After zoning becomes common the unzoned places becomes merely an unrestricted area in a larger district. There is no place so poor but that there are numerous values to be conserved and zoning is the only way to do it.

The playground and park movements are relatively old in Massachusetts, but they are now making good progress. Park areas are being taken, but still more numerous are the takings and gifts for playgrounds. There is some difference of policy among the places, some developing particularly in connection with the schools and others independently. The school and the playground are so closely related and have so many interdependent values that it is well to tie them together as far as possible. The example of Wellesley is specially commendable. Three small schools are now being built, located with special reference to present and future needs. For two of them four and one-half acres each have been taken and for the other five and one-half acres. "What might have been," the common lament among school and playground authorities, should give way to a vigorous consideration of "what may be, if we do our duty."

A number of boards, in co-operation with the boards of survey, are laying out the main ways for undeveloped areas so as to tie them up with the pres-

ent street system and provide what will best serve the interest of the landowners and the communities. The protection of the beds of mapped streets offers a problem which will probably require additional legislation. The board of survey act provides that if the streets of a land development do not receive the approval of the board of survey the town need not provide any sewers, water, lights, or do any public work in such streets. It is conceivable, however, that people might build as they pleased and develop a situation which would become a menace and a nuisance to the entire community. The board of health might then step in and order the town to provide sewers or do whatever might need to be done. It is obvious that the orderly development of communities requires plans. The board of survey or the planning board must have power to lay out, or at least to approve and enforce the plan. The legislature will have to settle the question.

Housing and building laws are being considered in a number of places. Building laws, relating to fire prevention and strength of materials, continue to progress. But housing features, light, ventilation, sanitation and the prevention of harmful congestion, are waiting for a new idea. Housing laws are not very popular. Zoning laws may protect the community in the matters mentioned, and are doing something where zoning is in operation, but zoning authorities are not in agreement as to what to do or how to do it. The best device so far developed is to limit the number of families to a given area. Some do not approve of this. However, health, morals, general welfare and the avoidance of traffic congestion require that some limit be set. The best dictum so far found is that "the way to prevent congestion is to prevent it," either by requiring so much area per family housed or limiting the number of families to a given area. Both methods are being used in a limited way. Here is a place where study must be given. A method will have to be devised. Every year that passes without it only adds to the complications. The only people who will ever profit by congestion are those who unload inflated values on others. A building that steals its light and air can't always steal it. When it ceases to be able to steal it the owner will be sorry for himself. One of the biggest things zoning can do is to prevent thievery of light and air. What one man gets, that is not his, another man goes without. Planning boards can't too soon get about this matter.

BOSTON REACTIONARY

Rapid progress is being made, but it is not entirely unaccompanied by reaction. Contrast, for example, Springfield and Boston. Springfield promptly zoned her area so as to promote regulated growth and then proceeds with her plan, the streets and all being developed in accordance with the demands of the various use areas. To promote growth she reaffirms her height limits and broadens her streets in a number of places.

Boston, on the other hand, though having a most complicated and unsolved in and out way problem, hemmed in as she is by the ocean and its many arms and the rivers running into them, and by Beacon Hill, with a rigid limit to her means of ingress and egress except at enormous expense, "to promote growth" increases her building heights. Her flow of traffic is slowed down in every direction and she goes at solving the problem by increasing the amount of traffic. She does this in spite of the lessons of the past. Boston was the first city in the country to zone, in effect, for height.

This very action accounts for the fact that her traffic problems are no worse than they are, bad as they are. No new ways in and out are in sight. Street-car transportation is crowded to a dangerous and indecent degree, in spite of a 100 per cent increase in fares. All other traffic lines are crowded and many people park automobiles outside the city limits. Her solution is to increase the amount of traffic.

The step is not only injurious but it is revolutionary. What about the rights of the hundreds of property owners who have built under the old law? If zoning changes of such a radical and sweeping nature may be made over night for entire areas, it isn't zoning at all, it is leaving things to whim, in this case, to the whim of an outsider who wanted to do what he had no business to do.

Weymouth, like Boston, has taken a backward step by getting the legislature to cancel her acceptance of the Town Housing Law. She now has nothing. If you want to do as you please go to Weymouth. There the gate is wide open and the bars are all down.

REPRODUCTION COST HAS NOT BEEN ADOPTED BY SUPREME COURT

FURTHER DECISIONS ON FAIR VALUE FOR RATE MAKING

BY JOHN BAUER

Public Utility Consultant, New York City

A rate which gives a reasonable return on actual investment will not be overthrown by the supreme court. :: :: :: :: ::

In the September number of the National Municipal Review, the writer discussed the basis of public utility valuation as affected by the decision of the supreme court of the United States in the Southwestern Bell case. (*The Southwestern Bell Telephone Company* vs. *Public Service Commission of Missouri*, 67 Law Ed., U. S., 619; decided May 21, 1923.)

Since that article was written, the same court has handed down two more decisions, which, taken together with the Southwestern Bell case, show much more clearly than ever established before, what is the ultimate measure of confiscation in public utility rates fixed by legislatures or commissions. The two cases will be referred to as (1) The Bluefield Water Case, and (2) The Atlanta Gas Case. (*Bluefield Waterworks and Improvement Company* vs. *Public Service Commission of the State of West Virginia*, 67 Law Ed., U. S. 715; and *Georgia Railway and Power Company* vs. *Railroad Commission of Georgia*, 67 Law Ed., U. S. 728; both cases decided June 11, 1923.)

The three cases furnish the latest expression of the supreme court on the much discussed and controverted question as to what is "fair value" for rate-making purposes, or more particularly what is the minimum basis of valuation that must be used in fixing the return on public utility properties so that the rates prescribed by a legislature or a commission may not be declared con-

fiscatory by the courts. In the classic case of *Smyth* vs. *Ames* (169 U. S. 546, 547), the supreme court stated that a company is entitled to a fair return upon the value of the property employed in the public service, and that in determining the fair value consideration should be given to the original cost of construction, the amount expended in permanent improvements, the amount and market value of the bonds and stocks, the present as compared with the original cost of construction, also other matters that may be pertinent in a particular case.

This rule is obviously indefinite and cannot serve as a clear-cut measure. In the application of the rule, therefore, a sharp controversy has developed whether the primary basis of valuation should be the *original cost* of the properties or the *reproduction cost* at the time of the rate making. The divergence has become particularly keen in recent years, following the great increase in prices. Prior to the war, the difference in most cases was not serious, and an exact determination was not extremely important. With the tremendous price upheavals, however, the question has become paramount in public utility rate regulation, and the recent decisions of the supreme court have special significance. The court has been struggling seriously with the question, and while it has not made a direct and specific pronouncement, the three recent decisions show clearly enough what is to be held as the final measure of confiscation. The basic question in all three was the fair value of the properties and the method of valuation used by the commission in rate making.

THE SOUTHWESTERN BELL CASE

In this case, the court declared confiscatory telephone rates fixed by the public service commission of Missouri. The commission had practically taken as the rate base the actual cost of the properties, less depreciation, without, however, making a detailed physical appraisal. In the majority opinion, the court criticised the commission because it obviously

> undertook to value the property without according any weight to the greatly enhanced cost of material, labor, supplies, etc., over those prevailing in 1913, 1914 and 1916. . . . It is impossible to ascertain what will amount to a fair return upon properties devoted to public service without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values, made upon a view of the relative circumstances, is essential. If the highly important element of the present costs is wholly disregarded, such a forecast becomes impossible. Estimates for to-morrow cannot ignore prices for to-day.

This decision was heralded as a positive confirmation by the supreme court that the companies are entitled to a return upon the reproduction cost of the properties, instead of actual cost. In the previous article, the writer expressed the opinion that the decision was not as positive as appeared from a first reading, and that the question of proper rate base was still open for reasonable consideration. This view has been confirmed by the two subsequent decisions, which throw a different light upon the situation.

THE BLUEFIELD WATER CASE

This case practically parallels the Southwestern Bell case. It involves water rates fixed by the public service commission of West Virginia, which were attacked by the company as confiscatory. In each case the state commission made a valuation of the properties on the basis of actual cost, less depreciation, and the rates were found confiscatory by the supreme court. On the matter of valuation, the majority opinion in the Bluefield case quoted with approval what was said

in the Southwestern Bell case, and pointed out that no weight was given to cost of reproduction, less depreciation, on the basis of 1920 prices, and that

> this resulted in a valuation considerably and materially less than would have been reached by a fair and just consideration of all the facts. The valuation cannot be sustained.

THE ATLANTA GAS CASE

The Southwestern Bell and the Bluefield cases taken together would make a strong showing for reproduction cost; that it constitutes the proper rate base or must be given substantial weight in a final valuation. But on the same day as the Bluefield case, where the majority opinion was delivered by Mr. Justice Butler, the Atlanta Gas case was decided, with the majority opinion by Mr. Justice Brandeis. In this case, the gas rates for the city of Atlanta had been fixed by the railroad commission of Georgia. The rates were attacked by the company as confiscatory; they were reviewed by the district court of the United States for the northern district of Georgia and were sustained. Then the company appealed to the supreme court of the United States, and, contrary to the Southwestern Bell and Bluefield cases, the rates were upheld.

The valuation, as in the other two cases, had been based on actual investment. The property in existence on January 1, 1914, was valued substantially at its actual cost or its reproduction cost as of that date, and properties installed since January 1, 1914, were taken at their actual cost. There was allowed, however, an appreciation of $125,000 in the value of land owned by the company. The final valuation was $5,250,000, compared with $9,500,000 claimed by the company. The commission's findings, and the approval of the district court, were sustained by the supreme court with the statement that

> the refusal of the commission and of the lower court to hold that, for rate-making purposes, the physical properties of a utility must be valued at replacement cost, less depreciation, was clearly correct.

Mr. Justice McKenna dissented from the decision in the Atlanta Gas case, and presented a separate opinion. He viewed the decision as beyond reconciliation with the Bluefield and Southwestern Bell cases, because in the latter, reproduction cost was accepted as the proper rate base, or at least to be given substantial weight, while in the Atlanta case actual cost was approved. He properly considered that the allowance of $125,000 increment in land value had no consequential bearing. In his view "the contrariety of decision cannot be reconciled."

TECHNICAL DISTINCTIONS

Technical distinctions may be made between the cases, but they are not persuasive. In the Atlanta case, Justice Brandeis points out that "Here the commission gave careful consideration to the cost of reproduction, but it refused to adopt reproduction cost as the measure of value." The inference is that in the other cases reproduction cost was not considered, and that it was the *absence of consideration* which was the defect in the valuation. But mere consideration without giving actual weight to the reproduction cost would hardly be a distinction on which the rates would be sustained, while in the absence of such consideration (with the same basic facts) they would be declared confiscatory. Such a distinction is too flimsy to be entertained.

A procedural differentiation may be attempted on the point that in the Atlanta case the federal district court had made an independent survey of the record, while in the other cases where

the rates were found confiscatory, the action was brought from the state courts and at least in the Bluefield case without independent consideration of the record by the lower court. But, again, these differences are trivial. The ultimate validity of rates fixed by a commission cannot depend upon the procedure by which the issue reaches the highest court of the land. It must finally rest, not upon whether the action started in a state or federal court, or whether an independent study of the record was made by the state or lower federal court, but upon the facts themselves whether or not there is confiscation. The supreme court will be controlled, not by formalities, but by the substance of the cases.

THE THREE CASES RECONCILED

Harmony between the three cases as well as the numbers of others decided by the supreme court can be shown only by distinguishing *what the court did* from *what was said* in the majority opinions. We must separate the actual *decisions* from the *dicta*.

In practically all of the analyses of the supreme court decisions, the thing emphasized has been what the court said in the majority opinions on the various aspects of valuation, and not the actual decisions whether or not the rates were found confiscatory. Persuasive statements can be selected abundantly from the majority opinions to support the reproduction cost contention, but also numerous citations can be made to sustain actual cost. If, then, we take *what the court said*, particularly in the three recent cases, there is the hopeless contradiction, by which Mr. Justice McKenna was outraged in the Bluefield case. But, if we consider throughout *what the court did*, the conflict disappears and there is harmony in the decisions; and this appears clearly in the three cases.

Reconciliation of the Atlanta case with the Southwestern Bell and Bluefield cases lies in the action of sustaining or declaring the rates confiscatory, and not in what was said about methods of valuation. In the two cases, the rates were inadequate on whatever reasonably available basis they were judged. They did not bring a fair return on the actual cost of the property, much less on the reproduction cost. It was on this ground that Mr. Justice Brandeis in a separate opinion in the Southwestern Bell case concurred in the reversal of the state court; he joined in declaring the rates confiscatory, but he did so because they did not bring a fair return on the actual investment. In his minority opinion joined in by Mr. Justice Holmes, he set forth actual investment as the proper base and objected to the reproduction cost, laid down by Mr. Justice McReynolds in the majority opinion.

In the Bluefield case, again the rates were declared confiscatory; again the majority opinion by Mr. Justice Butler set up reproduction cost as the proper rate base. Again, Mr. Justice Brandeis concurred in declaring the rates confiscatory; but he referred to his opinion in the Southwestern Bell case to explain the reason for his concurrence. He considered the rates invalid, not because they failed to give a fair return on the reproduction cost, but because they did not bring a fair return on the actual investment in the properties. In both of the cases, he concurred in the *decisions* but not in the *dicta*. What was said in the majority opinions was not necessary to the decisions.

The Atlanta case differs from the Southwestern Bell and the Bluefield cases in that rates fixed by the commission were adequate to bring a fair return upon actual investment, and they were judged on that basis. Ac-

cording to the figures before the court, the rates would bring about 7¼ per cent upon the investment fixed by the commission, but only about 4 per cent on the reproduction valuation claimed by the company. But the rates were sustained.

ACTUAL INVESTMENT TEST OF CONFISCATION

Considering the three cases together, the fair conclusion would seem to be this: the majority opinion of the supreme court probably believes that in valuing a property for rate purposes, substantial weight should be given to the reproduction cost factor, but that in reaching a final conclusion on the constitutionality of specific rates, they will not be declared confiscatory if they bring a fair return on actual investment, notwithstanding a much higher reproduction cost valuation.

This view is supported by a comprehensive survey of all the important rate cases passed upon by the supreme court. In every case where the rates were found confiscatory, the return to the companies was inadequate on any method of valuation that might reasonably have been employed. Rates have never been declared confiscatory where they actually brought a return of 6 or 7 per cent upon the actual investment in property used for the public service. Where rates have been found unconstitutional, the return has fallen materially below 6 per cent upon actual investment.

The supreme court has been extremely reluctant to declare confiscatory rates fixed by legislatures or commissions. It has recognized the primary function of the legislatures and the commissions to fix rates, and has been unwilling to interfere unless the results clearly and unmistakably deprived the owners of a fair return. The majority of the court doubtless believes that as a result of the great price upheaval since 1914, consideration should be given to the higher price level, but its actual decisions show that it will not interfere with rates so long as they bring a reasonable return upon actual investment in the properties. This is what the Atlanta case means side by side the Southwestern Bell and Bluefield cases.

If this analysis is correct, then, whatever the majority opinion of the supreme court may be with respect to the consideration which reasonably should be given to reproduction cost, the commissions are free to fix rates upon the basis of actual investment.

Judge Brandeis' minority opinion in the Southwestern Bell case masterfully sets forth actual investment as the proper basis for effective rate regulation. He shows that the reproduction cost basis is not workable, that it perpetuates litigation, and that it is not required as a matter of justice between investors and the public.

Judge Brandeis' opinion will serve as an excellent textbook for the commissions and other public authorities, and it furnishes the ultimate test of constitutionality in public rate making.

OUR LEGISLATIVE MILLS

IV. TEXAS MAKES HASTE

BY TOM FINTY, JR.
Editor, The Dallas Journal

BASED upon more than a quarter of a century of intimate contact with the legislature of Texas, it is the belief of this writer that said body has been little tainted with venality and corruption, but its chief fault in recent years is that it habitually indulges in the kind of haste that makes waste; that it has substituted for the sage counsel of Davy Crockett, "Be sure you are right; then go ahead!" those jazzy slogans of the age, "Do it now!" and "You'll have to hurry!"

NO BIG SCANDALS

It is true, of course, that often the welkin has been made to ring with fulminations against "the lobby," these implying that legislators had been blandished or were susceptible. At times whispers of suspicion have gone the rounds and there have been indicia of base therefor; but it is also true that there never has been a big legislative scandal in Texas, nor has there ever been a specific charge that any legislator has trafficked in his vote.

The nearest approach came doubly. After many years of nebulous outcry against "The Lobby," a so-called anti-lobby law was enacted, in 1907. This regulated, but did not prohibit, lobbying. Lobbyists were required to disclose their interest in measures and to name their employers. This the lobbyists have done, but the outcry has continued, intermittently and spasmodically. One day, in 1909, a new senator got up and said that lobbyists were getting in their work, and insisted that they ought to be banished. He refused to give names, either of lobbyists or legislators, saying that he did not want to ruin anybody. The senate, he thought, ought to accept his word. Incidentally, he defined a lobbyist as a person who opposes good legislation. The senate did not banish the lobbyists; instead, it expelled the complainant.

Simultaneously, there were sensational proceedings in the other branch. The speaker took the floor one morning and informed the house that slanders were in circulation concerning him. He demanded an investigation, and was accommodated. The investigators reported that the speaker had carried on the house pay-roll a certain person several weeks before said person had appeared to render service, the sum involved being rather small. A resolution to oust the speaker was the subject of heated debate, but it did not come to a vote, as the speaker resigned.

These are the only blots on the escutcheon of the Texas legislature, and as to the expelled senator, his constituents quickly and emphatically exclaimed, "Out damned spot!" They returned him, by an overwhelming vote, to the senate within less than thirty days after he was ousted.

Generally, the Texas lobbyists have tried to appeal to the reason of legislators, and preferably in committee hearings. But, within recent years, for reasons hereinafter to be explained, it has been difficult to get such hearings, and therefore the lobbyists have been forced to resort to the old buttonholing methods, to the use of much

literature, and to pre-session visitations to the homes of the members. Upon the whole, the presence of lobbyists is not resented by legislators of high-standing and experience; upon the contrary, the opportunity to acquire information from all angles is welcomed.

SERIOUS HANDICAPS

The product of the Texas legislature has suffered much in the last twenty-two years because of haste, inexperience, frequent absence of definite leadership, and liberal employment of stenographers and typewriters. The condition, its cause and the results can be best described in a chronological statement, prefaced by an outline of the setting.

The present constitution of Texas, adopted in 1876, when the shadow of "Reconstruction" yet lingered, bristles with limitations and provisions of cheese-paring economy, meant to thwart the carpetbaggers should they regain power. Such limitations and provisions abound in the legislative set-up. The legislature is required by the constitution to meet biennally. (A statute fixes the time as the first Tuesday after the second Monday in January of off years.) Each member is allowed mileage at the rate of 20 cents a mile for the round trip, and he is entitled to receive $5 a day for the first sixty days of the session, and thereafter $2 a day. The governor is authorized to call special sessions "upon extraordinary occasions," these to be limited to thirty days each and to consider only such subjects as the governor may submit. In these special sessions the members receive $5 a day, and also mileage at the rate above named except when the call is made within three days after the close of a former session. While the legislature is in session, the governor has ten days within which to act upon measures sent to him; he has twenty days after *sine die* adjournment to act upon all measures that reach him within the last ten days of a session. The legislature, by a two-thirds' vote of both houses, may pass any measure over the governor's veto, but this power does not extend beyond the session in which a measure is enacted. Nor does the calendar of a session survive *sine die* adjournment, as is true of the congressional calendar. Such is the setting.

THE $2 VERSUS THE $5 SESSIONS

Throughout the first quarter of a century after the adoption of this constitution, these provisions were interpreted to mean that the legislature was in duty bound to remain in regular session until all business in sight was disposed of; that the drop in pay at the end of sixty days was intended as a stimulant to industry, but was to be disregarded when the business of the state demanded, and that special sessions were to be called only to deal with unforeseen contingencies of great importance.

In this quarter of a century long sessions were common. The Twenty-sixth Legislature, at the very close of the period (1899), made the top record, with a regular session lasting one hundred and thirty-eight days. No legislature in that period was called in special session more than once; some of them not at all.

There never was a time that the Texas legislators liked the $2 days, but it was not until 1901 that a way to escape them was found, and this accidentally.

For many years the closing of the appropriation year was the last day of February, and of the fiscal year the last day of August. Therefore, each legislature addressed itself first to the appropriations, as otherwise the de-

partments and institutions would be without support.

Acting upon the recommendation of the governor, the Twenty-seventh Legislature (1901) amended the laws so as to make the appropriation year and the fiscal year synchronize—both were made to end August 31. Subsequently, the legislators awoke to the fact that they were no longer obliged to put appropriations first, and that by withholding action upon them and upon other measures urged by the governor, they could furnish "extraordinary occasions" forcing the executive to call special sessions.

Within the next few years the regular sessions lasted about a fortnight beyond the sixty days. Then, as will be shown hereafter, came a long session.

Two other things that had a decided effect upon the character of the legislature and its proceedings soon transpired. In 1905, a direct primary law, mandatory as to the dominant party, was enacted. The primary election largely partook of the nature of a "white man's election." With rare exceptions, "a Democratic nomination is the equivalent of an election." Seldom is a nominee of another party elected to the legislature; never is one elected to a state office. Under this condition, party responsibility and leadership soon reached a low ebb. Also, men of first-rate ability have been disinclined to offer for the legislature under the primary election system.

There have been exceptions to the rules stated in the foregoing. In 1907, Thomas Mitchell Campbell, recently deceased, became governor. He looked upon himself as the leader of his party. Living up to that conception, he declared that "platform demands" constituted a solemn covenant with the people, and he "held the legislature's nose to the grindstone" until it had acted upon these pledges. Under his urging, the Thirtieth Legislature remained in regular session ninety-five days; and then, although it had established a new record by passing the appropriation bills in regular session, the governor immediately called it in special session because it had failed to act upon certain platform pledges.

This legislature passed a law prohibiting railroad and sleeping-car companies from granting free passes, and telephone, telegraph and express companies from giving franks.

THE $2 DAYS GONE

Free passes had caused the legislators to tolerate the $2 days. It was feasible for them to visit their homes at week-ends, and it cost them nothing to talk to their loved ones at any time. But with the passes and franks gone, they faced a monotonous prospect in the capital. Since 1907, the appropriations have not been made in the regular sessions, and only two or three days of service at the $2 rate are rendered, these by the way of lagniappe.

In the old days legislators talked of what might be done "if" a special session should be called. In the last twenty-two years they have made plans early for "the special session" or "the special sessions." Three or four special sessions in a biennium have become common.

The last legislature, the Thirty-eighth, established new records on March 14, 1923. On that day it adjourned the regular session *sine die*, sixty-four days after beginning. Immediately, it met in special session. Thirty minutes later it again adjourned *sine die*, without doing any legislative work whatsoever. This was the shortest recorded legislative session; probably the only one for which no charge was made, and it was the

first time that a legislature vetoed a governor's proclamation.

The most pronounced effect of the curtailment of the regular sessions, of the splitting of the legislative work, in Texas, has been the substitution of haste for deliberation. There is not merely "a rush week" as in other states; in Texas, there are four or five such weeks per biennium, one for each session. More than this, there is usually haste throughout each of the sessions, for the calendar always is heavy, and from the opening of each session, the members have a quitting time in mind. From start to finish, the sessions are characterized by feverish haste, a by-product of which is the trading of votes on pet measures. Nevertheless, the legislators do not hesitate to accept invitations to visit hospitable cities and towns. As has already been indicated, the grind in the capital becomes monotonous, and free rides still are alluring, though infrequent.

COMMITTEES MULTIPLIED

Another innovation that has had a harmful effect upon the quality of legislation was the increase in number of committees. The senate, with 31 members, now has 35 committees, and the house, with 150 members, has 38. The idea was that as sessions of the legislature were short, the committee work ought to be divided more than before, so that measures might be studied quickly and carefully. The theory has not been vindicated in practice. In the first place, the regular sessions have come to be regarded as "the members' sessions," to be devoted in the main to members' pet measures, and the special sessions are looked upon as "the governor's sessions," for the reason that only such subjects as the governor submits may be considered in such sessions. Second, for the very reason that there are many committees, committee meetings are rarely well attended, the official records to the contrary notwithstanding. Citizens who desire to appear before committees complain that they are often obliged to wait for days before the committees can be assembled, and that when the meetings are held they rarely have an opportunity to present their cases to the members of such committees. Such things as this frequently are witnessed: A chairman calls his committee together; the clerk calls the roll and reports a quorum present; thereupon members retire, saying, "If I am wanted, I'll be in 'Jude One,'" or something similar. The hearing proceeds, with the chairman, the clerk, newspaper men and the citizens present. Sometimes members of the committee are called in to vote at the close of the "hearings" that they have not heard. One is reminded of a stirring scene in the senate some years ago, when a senator clamored in vain for recognition. He made his way down to the desk of the presiding officer, shouting, "Surely, Mr. President, you must see me." "Oh, I see you all right," answered the Senator in the chair, "but I don't recognize you."

It has become quite common, under these conditions, for committees to yield to pleas to "Report the bill out; give it a chance in the house (or senate); you can reserve the right to vote against it." Committee work is largely perfunctory. Because of the urge to hurry, many members of the legislature rather resent the petitions of citizens to be heard on proposed legislation.

The condition is aggravated by reason of the fact that the calendar dies at the close of each session. No matter how much progress has been made in one session, every measure must be considered *de novo* in a subsequent session.

Haste and inexperience also have led to bad drafting of bills—to prolixity and other flaws that inhere in the practice of dictating to stenographers—and to faulty enrollment and certification of acts.

That the quality of legislation has deteriorated in Texas is proven by a comparison of the old-time product with recent enactments. Two ancient beliefs have been exploded, namely, that "A short session makes for a lean statute book," and that money is saved by the $2-a-day provision. In the last twenty-two years the legislative product has more than doubled in volume, and the legislative expenses have vastly increased, for there are more legislative days and very nearly all of these are $5 days. Nevertheless, the people have seven times rejected proposed amendments to give the legislators "adjusted compensation."

SPECIAL SESSIONS AND THE VETO

Although the legislature has shorn the governor of his power to call special sessions according to his judgment, the legislature has practically abdicated its power to check the governor's veto power. The legislature can pass bills over a veto only when in session at the time the disapproval is registered. As more than 90 per cent of the bills now reach the governor within less than ten days in advance of *sine die* adjournment, his power of life or death over these is complete. And, of course, the governor's initiative is magnified by the legislature's refusal to complete the work before it in regular sessions.

The Thirty-eighth Legislature, however, has established some records at variance with the rule in such regard. At its regular session, it sent an unusually large number of bills to the governor early; the governor vetoed many of these measures, and the legislature made a top record for overriding vetoes. It passed over vetoes nine bills creating as many district courts and one creating a court of civil appeals, but it made no effort to do likewise with three bills of a general nature. After the close of the session, the governor vetoed a bill creating yet another court of civil appeals, and nineteen general bills, all of which, of course, are very dead. No former legislature created so many courts. There was a court bloc with the odor of pork.

Because of the wane of party responsibility referred to in the foregoing, there has been little in the way of definite and continuous leadership, save when a governor, claiming the right to lead upon the basis of platform pledges, has assumed the rôle, with capacity to play it. Usually, however, the legislature has been split along factional lines and organized by blocs. Those of longest life were the prohibition and anti-prohibition blocs. With the prohibition issue dead, the Texas legislature has drifted aimlessly, although there have been blocs of short life, such as the educational bloc, the farm bloc, the court bloc, etc. There is only one woman in the Texas legislature, but woman organizations exercise a potential influence.

EXPERIENCE OF MEMBERS

The legislature suffers from inexperience, but not exactly in the way often asserted. The idea is widely prevalent that few legislators return for second or subsequent terms. This is not true to the extent supposed. It is nearer true of the senate than of the house. Here are cross sections of the Twenty-seventh and Thirty-seventh Legislatures, in which two years of service is counted as a term.

LEGISLATIVE EXPERIENCE OF MEMBERS OF TEXAS LEGISLATURE

Term of service	1901 senate	1921 senate	1901 house	1921 house
First	7	15	74	71
Second	9	2	44	45
Third	7	6	8	15
Fourth	7	5	2	7
Fifth	1	0	0	2
Sixth	0	3	1	2

On the basis of a rating of one point for each biennium of legislative service, the twenty-seventh senate had 79 units and the thirty-seventh 75; the twenty-seventh house 200 and the thirty-seventh 256. (Each of these senates had 31 members; the twenty-seventh house had 129, and the thirty-seventh 142.

Notwithstanding the statistical showing, the legislature has fallen off in experience, largely for the reason that under the rush order, members do not have favorable opportunity to learn, as was the case when the legislature was a deliberative body.

There is no definite training for legislative service in this state. Lawyers predominate in the membership, largely because of the erroneous assumption that a good lawyer necessarily will make a good lawmaker. Within recent years quite a number of members have had the advantage of training in the law school and school of government of the state university, but unfortunately most of these are young and therefore bumptious. Some of the most useful members started in as pages, and, remaining with the legislature as clerks, have gone "through all the chairs," learning government and legislation in a practical way. Within recent years the proportion of lawyers in the legislature has fallen off, and the proportion of business men has increased. Occupations of the members of two legislatures is here shown:

Occupations	1901 senate	1921 senate	1901 house	1921 house
Lawyers	24	20	62	56
Farmers	4	3	34	39
Bankers	0	1	0	4
Publishers	1	1	8	6
Physicians	2	1	3	2
Merchants	0	0	10	14
Other business	0	5	4	16
Teachers	0	0	5	1
Mechanics	0	0	3	1
Students	0	0	0	3
Totals	31	31	129	142

To summarize: Haste is the bane of the Texas legislature; it will not stay on the job long at any one time, for $2 days, without free transportation, are not attractive. There is small chance of early change in the situation.

CLEANING UP NEW YORK

BY FREDERICK H. WHITIN

Secretary, the Committee of Fourteen, New York

The second in our series of articles upon the municipal treatment of vice. :: :: :: :: :: :: :: :: :: ::

New York has celebrated this year, 1923, its silver anniversary of the consolidation of the greater city. The exhibition of the progress of the twenty-five years included a show entitled, "The Bowery," the city's famous street memorialized in song, wherein it was characterized as a place "Where they say such things and they do such things," that the singer declared that he'd "Never go there any more." If the song were to be written to-day the verbs would have to be changed as to tense, to read, "Where they said such things and they did such things." Not only is the Bowery closed as to the vice which made it infamous, but the resorts on Fourteenth Street, of which the ex-pugilist Tom Sharkey's place was the best known, have long been closed. The Haymarket, at Thirtieth Street and Sixth Avenue, probably the best known of all the city's resorts, has become a memory during the twenty-five years, as have likewise similar places in the immediate neighborhood, while the resorts immediately north of the Metropolitan Opera House are likewise known only to the older generation.

ONE HUNDRED THOUSAND VISITORS PER NIGHT

The visitors to the city, and it is estimated there are one hundred thousand of them in the city each night, naturally ask what has taken the place of these resorts, knowing full well if they knew New York twenty-five years ago, of the uptown movement of the legitimate amusement places and suppose naturally that the illegal resorts have likewise only changed their location. In this case, at least, actual repression has been accomplished. The same is true of many of the hotels which formerly existed for immoral purposes, not only the disorderly resorts known as Raines Law Hotels, but also the various assignation hotels which were to be found grouped in various parts of the city. The streets likewise have been practically cleared of the parading prostitutes who solicited the passerby to accompany them to neighboring hotels. The disorderly parlor houses which existed chiefly between West 24th and West 27th Streets, and on West 40th Street, were closed before the buildings which they occupied were torn down to make way for commercial structures.

The question can naturally be asked whether vice has been really decreased as much as these changes would indicate, or whether it may not be continued in a different form, or if there has not been an increase in some of the forms which existed twenty-five years ago. It seems probable that there has been an increase in what is known as the "call house," a place where women are met by appointment made through a third party. But the increase of this form of vice, while probably considerable of itself, is, as compared with the total amount of vice which has been repressed, relatively small.

It is claimed by the municipal authorities that they have suppressed prostitution. Those representing the volunteer organizations interested in securing such civic improvement claim that New York has less open vice than any of the world's largest cities, *i.e.*, that vice has been repressed so that it no longer protrudes itself upon the notice of the average citizen or the casual visitor. The records of the courts clearly indicate that vice is not wholly suppressed. But these same court records indicate an improvement of conditions, for whereas ten years ago there were four to five hundred arrests yearly for keeping and maintaining disorderly houses, to-day the number is under twenty-five. Whereas ten years ago over five thousand women were convicted in a twelvemonth in the women's court, last year the number was less than two thousand. This decrease might be due to decreased police activity. As a matter of fact, the police are not only as active as formerly, but, in addition, new laws have been secured which by broadening the definition of prostitution have greatly assisted in the suppression.

TO WHAT HAS SUCCESS BEEN DUE?

To what may be attributed this repression of the Ancient Evil, and what has been the means whereby it has been accomplished?

Formerly, there was little dissent from the popular theory that the solution of the problem of prostitution was the segregation of the prostitutes, with careful medical supervision. Indeed, it is reported that one of New York's leading educators advised the police commissioner of twenty years ago to this effect. To-day, no one who has made a real study of the problem can be found to advocate such a proposal. Hence the cause is a change of public opinion. This change may be attributed to four principal factors: First, the recognition, upon an authoritative statement of the medical profession, that the justification of prostitution as a necessary evil, is a mistaken one. Second, the fact that European cities with a police control of private conduct which would not be tolerated in Anglo-Saxon communities, were shown never to have been able to segregate more than a small proportion of the prostitutes. Third, the recognition that the segregated district with its tolerated resorts constituted an open market for the victims of the white slavers' wiles, an evil no one would condone. Fourth, the campaign of education actively begun in 1905 with the organization by Dr. Prince A. Morrow, of the Association for Sanitary and Moral Prophylaxis, continued by the American Social Hygiene Association and most energetically carried on by the National Government in connection with the Selective Service Act of April, 1917.

The problem of repression in New York city was complicated by two special factors: First, the presence in the city of a large floating population, many of whom sought to combine both business and "pleasure" during their brief stay, these visitors being well prepared to pay for the so-called pleasure. Second, the existence of the "Raines Law Hotel," a result of an attempt to regulate the liquor traffic, which, while successful in reducing the number of saloons, converted many of those remaining into disorderly resorts of the most dangerous character. The first of these special problems remains, and probably always will. While it is possible that some other cities may have as great a proportion of transients as has New York, it is most improbable, if in any other city, these transients are prepared to spend so much money. The second local difficulty, the "Raines Law Hotel," had been overcome before

the discontinuance under the Eighteenth Amendment of the licensed traffic in liquor, having been suppressed by the activity of the police and the efforts of the brewers and bond companies, stimulated by a civic committee organized for the special purpose.

During the closing years of the nineteenth century, the Society for the Prevention of Crime, under the lead of the Rev. Dr. Charles H. Parkhurst, made vigorous efforts to secure an improvement of conditions. It is of interest to note that their efforts were directed towards breaking the connection between the police and the underworld, then generally admitted to exist. So bad were conditions, that in 1901 a special committee was appointed by the Chamber of Commerce to deal with the situation. The disclosures made by it were so startling that Tammany Hall attempted, ineffectually, to offset them by a committee of its own. The municipal election of 1901 resulted in the defeat of Tammany and the election of the reform ticket. The number of cases brought by the police against disorderly houses immediately began to increase most noticeably; there being 1,450 in 1905, as compared with 220 in 1901. Moreover, the police commissioner in the latter year, now Chief City Magistrate McAdoo, organized headquarters' vice squads. While considerable repression was accomplished, vice resorts, both those openly conducted because licensed to traffic in liquor, and the semi-public places, commonly known as "parlor houses," continued to run, because of the ineffectiveness of the penalties imposed by the courts (generally a fine of $50).

THE COMMITTEE OF FOURTEEN

In 1905, the Committee of Fourteen was organized to suppress "Raines Law Hotels." It promptly secured an amendment to the existing liquor tax law, to remove the most obvious weakness of its enforcement provisions. It then organized a staff to observe the enforcement of the law and to assist the state and local authorities in their actions under it. While the amendment first secured was effective, further investigation disclosed other serious weaknesses, and, in the succeeding years, additional amendments were secured without serious opposition because of their evident need, as shown by the facts reported by the Committee.

The Committee also compiled the statistics of court disposition of disorderly house cases, which showed conclusively the ineffectiveness of the fine as a penalty. The most striking examples were: (1) Although there were sixteen convictions of women within a period of six months for conducting the place as a disorderly house, no jail sentence was imposed, nor a fine of more than $50; (2) the sentencing of the proprietor of one of the city's worst resorts to pay a fine of $500, though several of his employees had been sent to jail for 60 days.

While the Committee has never been successful in securing the elision from the law of the fine as a possible sentence in a disorderly house case, the argument against such action being that it would unnecessarily limit the discretion of the courts, as a matter of practice it has been discontinued. By the same method of publicity of the ineffectiveness of existing penalties, an amendment was secured to the liquor tax law, which provided that a premise certificated to traffic in liquor, if proved to have been used as a disorderly house, not only forfeited the existing license but could not be relicensed for twelve months; the al-

ways effective penalization of the property.

STREET SOLICITATION

As far as known, the evil of street solicitation by prostitutes was more in evidence in New York city fifteen to twenty years ago than in any other American city. Investigation disclosed that the cases of women arrested upon this charge were disposed of in the district courts in most ineffective ways to secure the discontinuance of the evil. There were also reasons to fear that there was a close connection between the activities of these women and the police. To remove the opportunity for the easiest connection, a night court was established, so that those arrested after the close of the day courts could be given a speedy trial and have no occasion to give bail. While there was little direct improvement attributable to the new court, it centered public attention upon the problem, with the result that a legislative committee was appointed for a formal study of proceedings in the inferior criminal courts. Among the committee's many valuable recommendations which were incorporated into law, was that for a night court for women and the use of finger-print identifications. The new law provided, moreover, that the magistrates who were to preside in the women's court should be especially designated from the whole board by the chief city magistrate. The new court, which was opened in September, 1910, further centralized public attention, and the identification system showed the ineffectiveness of the sentences imposed, because of the very considerable percentage of recidivists among the prostitutes. Early in 1912, the magistrates assigned to the court agreed to discontinue the imposing of fines, which had proved to be especially ineffective.

LEGISLATION DEVELOPS

In the same year that the women's court was established, a special grand jury was impanelled, which was charged with an investigation of white slave traffic. Its foreman was Mr. John D. Rockefeller, Jr. Its finding further aroused public opinion.

In the same year, congress passed the so-called Bennet and Mann Acts; the former being for the suppression of international white slave traffic, and the latter to prevent inter-state commerce in the exploitation of women. Indeed, it can be very definitely stated that 1910 was, at least as far as New York city and state are concerned, the turning point in the public attitude towards the commercialization of irregular sexual relations.

The semi-toleration by the police of disorderly houses in New York city can be said to have ceased in August, 1912. Immediately prior to that time there was a row of such houses on West 40th Street. Their existence was plainly noticeable to even the most casual observer, because of the large numbers of men seen entering and leaving. At that time the police commissioner issued positive orders for the houses to be closed, and the police took the necessary action without waiting for the slow process of the courts.

About the same time, the notorious Haymarket, against which it had been impossible to secure effective action by either the local police or the state department of excise, was closed because of a newly secured law requiring such places, if dancing was permitted, to secure a license therefor. The official charged with issuing these licenses refused to grant a dance hall license to the Haymarket because of its notorious character. His action in thus using his discretionary power was sustained by the courts. The resorts on Four-

teenth Street, previously mentioned, were likewise closed through the newly secured provision in the liquor tax law penalizing the place, while the resorts on the Bowery had been previously suppressed through the effective cooperation of the police and excise departments.

Following the discontinuance of the fine in the women's court, street conditions materially improved, but the proportion of recidivists was not strikingly reduced. Upon the presentation of the facts to the legislature by Dr. Katharine Bement Davis, an indeterminate sentence law was passed, providing that where a defendant was convicted three times within twenty-four months, or four times without limitation of time, the magistrate might impose an indeterminate sentence not to exceed two years. The determination of the actual period of detention is made under this law by a commission, who, if they release the prisoner short of the maximum time, continue him or her upon parole. This law effected a further improvement of conditions, materially reducing the number of arraignments in the women's court of women charged with prostitution; the decrease being from 5,365 in 1911, to 2,130 in 1916; the number increasing, incident to war conditions, to about 2,800 in 1918, falling to 1,300 in 1920, since which time there has been an increase in the number of such cases without, however, a noticeable change of vice conditions.

Penalty upon the place provisions are also to be found in the tenement house law. While in the main this law deals with the structure of tenement houses, the special legislative committee which drafted it in 1901—having knowledge of vice conditions in the tenements, and the seriousness of them—included in it special provisions against women who committed prostitution in these multiple dwellings. The law provides that where the owner tolerated such conditions, a suit might be brought against the property for a penalty lien of $1,000. As so often happens, the original law was ineffective because of the difficulties of proof. In 1913, these penalty provisions were amended to provide that when two convictions for prostitution occur in the same tenement house within a period of six months, it shall be presumptive evidence that the violations were with the knowledge and consent of the owner. It is of interest to note this change as to evidence—the burden of proof that the owner had taken reasonable precautions and maintained proper conditions in his property was placed upon him, instead of requiring the prosecution to show affirmatively his failure to act. While few actions have been prosecuted for this penalty, the new law has been generally effective.

New York state adopted in 1914 a modified form of the injunction and abatement law, which originated in Iowa, and hence is popularly referred to by the name of that state. There has been but one case brought under the law in New York city, largely because the discontinuance of fines in disorderly house cases and the penalty upon the place under the liquor tax law made unnecessary the complicated legal proceedings of the injunction and abatement law.

The action of the police in forcing the closing of parlor houses was repeated in the first half of 1918, in the cases of the assignation hotels. These places had continued to exist because of the impossibility of securing the necessary evidence to convict them of being disorderly houses. The police procedure in both of these cases was to station uniformed officers in front of the premises to inform those who would

enter, of their character. Though most of those so informed, sought the places for that reason, the presence and statement of the officer proved an effective deterrent to entrance. Thus the existing unlawful business was destroyed; some of the hotels were forced to close, while others now accept men only as transients—couples must be by the week.

SEPARATE COURT FOR WOMEN

In the spring of 1919, the night sessions of the women's court were discontinued, day sessions being substituted. The results have been most favorable, and especially has the atmosphere been changed, so that the court is no longer crowded with sightseers, brought there by morbid motives. The increased knowledge of the dangers of venereal disease, incident to the war draft, made possible the securing of a law which requires the magistrates to report all persons arraigned, charged with prostitution, to the health department as venereal suspects. The department regularly examines all those so reported who have been found guilty, and the report of the department's finding is submitted to the magistrate prior to the imposition of sentence. When a woman has been found guilty of prostitution in the women's court, she is remanded by the magistrate for forty-eight hours for sentence. She is immediately finger printed, and, if found to be without record of prior conviction, the probation officers detailed to the court investigate her social history. The following morning the specimens necessary for laboratory examinations are taken by a woman physician attached to the health department, so that when the prisoner is arraigned for sentence the second morning, the court has before it the report of the finger print bureau, the report of the investigation (if one is made) by the probation department, and the report of the health department. If the prisoner is reported to be suffering from venereal disease in a contagious stage, and without record of previous conviction, she is sent, unless an exceptional case, to the hospital maintained by the department of health for the treatment of venereal patients. Upon her discharge from the hospital she is returned to court, when sentence is imposed. A large majority of those sent to the hospital for treatment are, upon discharge from that institution, placed upon probation. If, upon original arraignment for sentence, in addition to being diseased, the woman has a record of prior convictions, she is sent to the workhouse hospital for a period sufficient in the opinion of the medical authorities for adequate treatment of the communicable dangers of the disease. Those not diseased are, according to circumstances, placed upon probation, or committed to the House of Good Shepherd, the State Reformatory for Women or the workhouse.

THE POLICE ORGANIZATION

The police organization for the suppression of vice in New York city, to which passing reference has been made, has proved so effective that a detailed statement of it seems desirable. The city is divided into police precincts, in command of a police captain. This officer and his men are responsible for the maintenance of "outward order and decency." Several precincts constitute a police inspection-district, in charge of an inspector, whose duty it is to supervise the work of the uniformed men in the precincts. To each inspection district office is attached a squad of officers, who operate in citizens' clothes. These men are semi-detectives, and are especially detailed

to secure evidence of the violation of the laws against prostitution, gambling and liquor. In addition, there is maintained at police headquarters, under the charge of a deputy chief inspector, a large squad of men similarly detailed but who, operating throughout the entire length and breadth of the city, are not limited by arbitrary divisions of territory. Their particular purpose is, however, to act as a check and stimulus to the inspection district men, for each arrest by the central office men indicates the failure of the district men to apprehend the violators of law in the territory assigned to them. In addition, it is understood that the police commissioner has a small squad of confidential men, who act as a check upon the district and headquarters' men. These latter officers, however, do not make arrests and hence, are not disclosed as are the others by court appearance. Thus, the commissioner not only checks the work of his subordinates, but also secures valuable information with which to direct their efforts.

CIVIC ORGANIZATIONS

What part the civic organizations have played in securing the present improved conditions in New York is problematical. One would be a pessimist who did not believe that even without the stimulus and encouragement of such organizations, public officials would not make progress, but undoubtedly the progress would be slow, for even the best of public officials find themselves handicapped by the multiplicity of their duties and complexity of their problems. Likewise one would be pessimistic of civic endeavors if one did not believe that volunteer committees accelerated progress. It is the writer's belief that such organizations are necessary if progress is not to drag; that in the ever present competition between departments over budgetary allowance, the citizen's support is most valuable. Likewise, the assurance of such support enables public officials to more fearlessly meet the criticisms and opposition of those not interested in law enforcement, or those seeking to save the individual offender from the consequences of his acts.

NEXT STEPS

To repress prostitution further in New York city, additional advances are required. First, the removal of the technical difficulties of entrapment. When the women's court was originally a punitive institution, public opinion was much opposed to the punishing of those who were *induced* to commit prostitution. To-day, however, the court is unquestionably the greatest rescue institution in the city, state and nation, if not in the world, for it has been shown that today 75 per cent of those convicted there do not become recidivists, at least in that court. This being so, it would seem that the existing limitations regarding entrapment should be removed, for the woman or girl who would fall for the inducements of the police officer would similarly fall for those made by the civilian, and the girl who would so fall needs care and supervision, and, in a great majority of cases, undoubtedly needs medical attention. Thus, one change or advance makes possible another.

It is believed by many that another step which would be productive of improvement of conditions would be the penalization of those who, by their willingness to pay her, are partners with the prostitute in her acts of sexual immorality. In other words, if it is made as much a crime to buy as it is to sell, if the men were to run as great a risk of punishment as the women, they

will become as circumspect in their actions as have become the women. New York state has no fornication law, and its officials do not seem impressed with the effectiveness of such laws in the states which have them, yet there is a growing opinion in favor of the apprehension of the customer. Some are influenced by the belief of the unfairness of the existing procedure, which penalizes the woman but lets her partner escape punishment, while others advocate the proceeding, believing it would make possible a considerable further repression of commercialized prostitution. This next step should be taken.

It is believed by those familiar with the situation in New York that much of its problem of commercialized prostitution is due to the fact already stated, that it is both the commercial and amusement center of the western hemisphere. Added to the local women who become prostitutes are undoubtedly many who, having been immoral elsewhere, have been drawn to the city because of the money which is spent in it, and its many visitors who contribute to that sum. In other words, the problem is both local and national. Hence it is that citizens of New York are interested in the progress made throughout the nation in suppressing commercialized prostitution and in removing the complex factors which lead women to enter the life.

Conversely, the country as a whole is much interested in the improvement of vice conditions in New York, for if its citizens, when visitors to New York, fall for the temptations which may be allowed to exist there, they expose themselves to the dangers of the social diseases. Should they become victims of them, the chances are many that the diseases may be communicated to innocent persons who have never been in New York. Thus the dangers act and interact, and the country as a whole is safe, only as a whole it reduces commercialized prostitution and the dangers of the accompanying diseases.

SEATTLE'S MUNICIPAL STREET RAILWAYS[1]

BY WILLIAM ANDERSON
University of Minnesota

Hasty purchase, under war conditions, of a run-down system, heavy debt obligations, improved service with 8⅓-cent fare after unsuccessful experiment with a 5-cent fare—these are some of the highspots in this interesting story. It should be read in connection with the report of Detroit's experience published in the September "Review." :: ::

It is the custom to date the difficulties of the American street railways back to the rising operating costs, labor shortages, strikes, and fixed fares of the early war period. In Seattle the struggle between the municipal authorities and the street railway companies had advanced so far by May, 1914, that the city had already accepted in part the principle of public ownership and operation. It was at that time in possession of two street car lines, totaling about 13 miles in length, and valued at over $1,000,000, and was commencing to operate them. The ultimate doom of private street railway operation in Seattle was clearly foreshadowed. The unusual conditions of the war period only hastened the process of public acquisition.

Bound by a 5-cent fare franchise, hampered in operation by strikes and by the constant quitting of their men for war service or for more remunerative wartime work, the Puget Sound traction interests in Seattle found themselves in 1917–18 in an almost incurable situation. They had great difficulty in meeting their legal obligations as to paving and the payment of gross earnings taxes. With the upspringing of the ship-building industry on a large scale, and the inrush of a new industrial population, came demands for more street car lines and more adequate service. The company requested permission to charge a higher fare to meet rising costs and new service demands, but the city officials refused to grant this request and countered with various other proposals, one of which was that the city lease and operate the lines for the duration of the war and for six months thereafter. This suggestion the company refused to consider.

THE WAR FORCES MUNICIPAL OWNERSHIP

A representative of the Federal Emergency Fleet Corporation having arrived in the city to endeavor to improve transportation to the shipyards, conferences were held in September, 1918, with a view to solving the problem. From him came the suggestion that the city buy the lines. The price of $22,500,000 which he suggested was

[1] The reader will find an excellent article on the subject by Professor Paul H. Douglas in the *Journal of Political Economy*, 1921, vol. 29, pp. 455–477. This is by far the best article on all phases of the question up to about March, 1921. Mr. Delos F. Wilcox, in his *Analysis of the Electric Railway Problem*, also deals sanely with the question, pp. 515–524, 764–765. See also *Twitchell* v. *City of Seattle* (1919), 106 Wash. 32; *Asia* v. *City of Seattle* (1922), 119 Wash. 674, 206 Pac. 366; *Puget Sound Power and Light Co.* v. *City of Seattle* (1922), 282 Fed. 712, and 284 Fed. 659.

rejected by Mayor Ole Hanson, who said he would not consent to a price over $15,000,000. Just how this figure was arrived at is not clear, but it became the basis for the purchase negotiations. An arrangement for the sale was soon worked out. No strong element or organization in the city stood out to oppose what was being done. The fear of losing the ship-building contracts, on which the war-time prosperity of the city so much depended, drove practically all men into line in favor of the street railway purchase as the only method of saving the ship-building business for Seattle.

There was no careful valuation of the plant, which was known to be in a run-down condition. Councilman Oliver Erickson, an exponent of municipal ownership, said he thought the price was too high. "It would be unfortunate," he said, "to wake up in a year or two to find we had given public ownership a black eye by overestimating the value of this property." A former mayor, Mr. G. F. Cotterill, estimated the value of the system at under $7,000,000, and warned citizens against the consummation of the deal. Such voices were heard, but not heeded. The contract for the sale was drawn up. On November 5 an "advisory election" was held. The voters attended in small numbers, 13,000 voting favorably to 4,000 against. It seems to have been understood in advance that the advisory vote would be binding. A few days later the war was over, and with it passed the principal emergency which had led Seattle to think of immediate municipal ownership of the street railway. The ship-building business could not long continue on the war-time scale. The time for cooler counsel had come. No legal commitments had yet been made. Nevertheless, the mayor and the majority of the council went ahead with the purchase. The ordinances to acquire the lines passed late in December, 1918, by a vote of five out of nine councilmen, with two negative votes (Councilmen Erickson and Lane), and two absences. Just before midnight on March 31, 1919, Seattle became the possessor of a complete street railway operating system, minus only the power plant.

Some time later, when many people had come to believe that the city had purchased a "gold brick," a grand jury investigated the entire transaction but failed to find any evidences of corruption. A fairly careful appraisal at that time indicated, however, that the lines were worth less than $8,000,000 when the city took them over.

THE PURCHASE CONTRACTS EXPLAINED

Practically all of Seattle's difficulties with municipal street railways go back to the purchase contracts of 1919. These contracts, which are embodied in various city ordinances (principally Nos. 39025 and 39069), are at last fully understood by the city. The meaning of the former has been expounded by both state and federal courts.

The contracts were entered into under authority of a state law which was designed to make possible the purchase of public utilities by cities without pledging their general credit. The plan authorized was that of creating a special purchase fund into which the city council might

> obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding six per centum per annum, . . . but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. In creating any such special fund or funds the common council or other corporate authorities of

such city or town shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, . . . and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged.

The main contract (No. 39025), after declaring the public necessity for the purchase of the lines in question, went on to assert that "in the judgment of the council" the gross revenues to be derived from the entire street railway system "at the rates of transportation charged, and to be charged" would be sufficient "to meet all expenses of operation and maintenance of the proposed additions, betterments and extensions, and to provide all proportions or parts of revenue previously pledged as a fund for the payment of bonds, warrants and other indebtedness, with interest thereon, heretofore made payable out of the revenues of the existing municipal street railway system, and to permit the setting aside in a special fund, out of the gross revenues of the entire system, amounts sufficient to pay the interest on the bonds hereby authorized to be issued, as such interest becomes due and payable, and to pay and redeem all of such bonds at maturity." The specific pledges which followed were the payment of interest at 5 per cent, payable semi-annually, on all outstanding bonds of the $15,000,000 to be paid for the system, and the payment of $833,000 on the principal March 1, 1922, and a like amount every March 1 thereafter until the final payment of $839,000 on March 1, 1939. It will be understood, of course, that the bonds issued are "an obligation only against the special fund created and established" by the ordinance, and that interest payments are likewise payable only from that fund. Most interesting of all, however, is the provision in section 5 that the semi-annual payments of interest and the annual payments of principal "shall constitute a charge upon such gross revenues [of the entire street railway system] superior to all charges whatsoever, including charges for maintenance and operation," with a few minor exceptions.

If interest and principal payments are first charges upon gross revenues, what will happen when gross revenues are inadequate to meet all expenses? This problem actually arose during the first few years of municipal operation, while the 5-cent fare and later a 6¼-cent fare were in effect. At first the city resorted to the simple expedient of borrowing from general municipal funds to make up the deficiency. A group of taxpayers resented this action, for it amounted to the use of tax revenues to pay operating expenses on the street railway. They took the matter into court on the ground that the statute did not authorize such use of the taxpayers' money. In this contention they were sustained by the court, which held that the statute does not allow such financing unless it has been approved by popular vote.

THE ERICKSON 3-CENT FARE PLAN, 1922

The citizens had been led to believe that the lines could be operated on a 5-cent fare and that they would earn enough to meet all obligations under the contract as well as all operating expenses. This belief proved to be entirely unfounded. The lines lost money. In July, 1920, the fares were increased to 10 cents cash, or 4 tokens for a quarter, and in January the token fare was increased to 8⅓ cents, or 3 for a quarter. These increases were a great disappointment to the car-riders. They felt that they had been grievously imposed upon, for they were being

compelled not only to pay for the cost of riding on the lines, but also for the purchase of the street railway system for the city.

The first powerful effort to reduce the fares was made early in 1922. It took the form of an initiated ordinance, sponsored by Councilman Erickson, that "all cost and expense of the maintenance and operation" of the municipal street railway system should "be paid wholly out of revenues of the city of Seattle derived from taxation." That is to say, a general tax was to be levied for the purposes of operating and maintaining the system, while the revenue from fares was to continue to be used for meeting the interest and principal charges under the contract, and for extensions and renewals. It was urged that a 3-cent fare would be sufficient for the latter purposes. The argument for this plan of financing the lines was that all property owners in the city benefit by the street railway, but that under the purchase contract the poorer people who cannot afford automobiles are saddled with the entire cost of running the lines and of buying them and turning them over to the city in good condition when the last instalment of interest and principal has been paid. Verily, so ran the argument, to him that hath shall be given. Calculations were made by exponents of the new scheme to show that the small home-owner who rode the street cars to his work every day would save more through reductions in fares than he paid out in increased taxes, while the wealthier classes, who now contribute practically nothing, would be compelled to pay a very considerable portion of operating and maintenance expenses.

That the proposition had some merit cannot be denied. The material increase in taxes which would have resulted was the most important argument against it. It was asserted that business would be driven from Seattle to Tacoma and Portland, but the very debaters who made this declaration also attempted to prove that big taxpayers would shift the burden back on the poor through higher prices, rents, etc. Although this logic was not unimpeachable, the fear of higher taxes was strong. At the election on May 2, 1922, the Erickson measure was rejected by a vote of 40,275 to 15,043.

CONTRACTUAL OBLIGATIONS

The upshot of all the litigation to date, and of the defeat of the Erickson measure, is that the city must now charge a rate of fare high enough to bring in a gross revenue sufficient to cover all expenses of operation and maintenance, and to pay all charges arising out of the purchase contracts. Let us see first of all what these contractual obligations amount to.

TABLE OF PAYMENTS FOR INTEREST AND PRINCIPAL UNDER MAIN PURCHASE CONTRACT

(Ordinance No. 39025), 1919–1939

Total purchase price, $15,000,000. Interest at 5 per cent. Interest payable March 1 and September 1; principal payable March 1.

Year	Interest	Principal	Total
1919	375,000	.....	375,000
1920	750,000	.....	750,000
1921	750,000	.....	750,000
1922	729,175	833,000	1,562,175
1923	687,525	833,000	1,520,525
1924	645,875	833,000	1,478,875
1925	604,225	833,000	1,437,225
1926	562,575	833,000	1,395,575
1927	520,925	833,000	1,353,925
1928	479,275	833,000	1,312,275
1929	437,625	833,000	1,270,625
1930	395,975	833,000	1,228,975
1931	354,325	833,000	1,187,325
1932	312,675	833,000	1,145,675
1933	271,025	833,000	1,104,025
1934	229,375	833,000	1,062,375
1935	187,725	833,000	1,020,725
1936	146,075	833,000	979,075
1937	104,425	833,000	937,425
1938	62,775	833,000	895,775
1939	20,975	839,000	859,975
1940 and thereafter—no further payments			

It will be observed that the decrease in interest charges from year to year is only $41,650, or 500,000 fares at 8⅓ cents each. This reduction is so small as to offer little prospect to the car-

rider of lower fares in the immediate future. Indeed, under the contract as it stands, Seattle must look forward to using the fares of 10,000,000 riders annually at 8⅓ cents each to pay off the annual instalments of principal, and the fares of an additional 8,500,000 riders in 1923, 8,000,000 in 1924, 7,500,000 in 1925, and so on, to meet the interest charges. The total number of riders who paid the full fare in 1922 was 71,700,000. It will be seen, therefore, that at present one quarter of the gross passenger revenue must be used to meet contractual obligations under the 1919 contracts—and these obligations are prior to all others.

OPERATING EXPENSES, 1922

If the annual reductions in the interest payments offer little hope to the car-rider of reductions in fares, what of the operating expenses? Are there not some real economies in public operation? It is only by analysis of the figures that we can reach even tentative conclusions upon this point.

The total operating expenses for the year 1922 are certified to have been as follows:

I. Operation and maintenance of way and way structures	$382,805.47
II. Conducting transportation.	2,040,453.03
III. Maintenance of transportation equipment	382,607.41
IV. Housing and hostling transportation equipment	186,955.82
V. Power	613,676.76
VI. Commercial — office, salaries, and expenses	49,724.84
VII. General—salaries of officers and clerks, rent insurance, store expense, injuries and damages and miscellaneous general expense	290,170.55
VIII. Depreciation and amortization	685,114.32
Total operating expenses	$4,631,508.20

It should be noted that in the table of operating expenses above there is no item of taxes paid. The city pays none, and to this extent the car-rider is possibly better off than he would be under private ownership of the lines, while the taxpayer is somewhat more heavily burdened. On the other hand the city treasury loses the sums formerly received from the company by direct taxation. Neither are all the legal and overhead expenses properly chargeable to street railway operation actually included in the expenses noted above. The mayor, the council, the city attorneys, the comptroller and other officers, are paid out of general funds, although they render direct services to the street railway system. On the other hand we should note the following:

Maintenance charges both for way and way structures and for transportation equipment have been higher under municipal than under private ownership. The company in its last years of operation of the lines spent relatively little upon these items, with the result that the whole system was in a run-down condition when the city took it over. The year 1922 saw some unusually heavy expenditures for maintenance. Some lines were practically rebuilt, and 45 two-men cars were converted into one-man cars (to give but two examples).

The principal item of expense in "conducting transportation" was the pay of trainmen. The latter are given an eight-hour day and monthly wages ranging from $135 to $155 ($1,620 to $1,860 per year). In this connection it may be noted that common laborers and car repairmen are paid from $4.50 to $5 per day for eight hours' work. Their wages enter into the maintenance charges noted above. Whether these several rates of pay are too high is a question which every man will answer

from his own social point of view. That the city is paying well cannot be doubted. That men could be obtained for less is equally true. At the same time, wages do not appear to have reached the peak. Despite the financial difficulties of the street railway system, the organized trainmen are now pressing the council for one day's rest in eight on pay. To counter this demand, the council proposes to shift the payroll back to the hourly instead of the monthly basis, but in so doing it may be called upon to grant an additional small increase in the hourly rate.

While the individual wage paid is relatively high, it cannot be said that the city is padding the payroll with the names of unnecessary employees. On the contrary, one-man cars are being substituted for two-men cars wherever feasible, with the result that while service is being increased the number of employees is being kept down. At the same time, labor turnover is very small.

POWER PURCHASED FROM PRIVATE COMPANY

The power expense of over $600,000 for 1922 was made up of monthly payments to the private company which formerly operated the lines and which still owns the substations and supplies the city-owned lines with current. Whether the company's charge is high or low is hardly to the point, since the city contracted at the time of the purchase of the lines to continue to buy its power from the company at set rates until the city has taken over the substations through which the current is now delivered to the street railway system. It is of interest to note, however, that in the year 1917 the company charged the lines only $79,000 for power and $19,000 for power maintenance, or $98,000 in all. Furthermore, the city may not discontinue the use of more than 5,000 kilowatts capacity per year. The present system requires in the neighborhood of 20,000 kilowatts at the peak. The city is now proceeding with the development of an immense hydro-electric plant, the so-called Skagit project, which it is estimated will ultimately produce many times the amount of current now required by the street railway lines. Several units, capable of producing 50,000 kilowatts, will be ready for operation next year. The city has already given notice of its intention to begin to discontinue its use of the company's power. In the course of about five years, therefore, if all goes well, the city will have taken over some of the company's substations and will be generating all of its own power. What the cost will then be remains to be seen, but the city expects to save money.

The writer is unable to say whether "commercial" and "general" expenses are high or low compared with what they would be under good private management.

Depreciation and amortization were charged off in 1922 at the rate of about 11 per cent of gross income. In the first year of municipal operation an unusually large sum had to be spent for maintenance of the system. The superintendent at that time took the attitude that the lines were actually appreciating in value, and that it was unnecessary to charge depreciation. The state examiner took a different view, however, and since the municipal street railway must keep its accounts in the manner prescribed by his office, depreciation has actually been charged off for each year of municipal operation. The rate of this charge amounts to about 4.2 per cent on a straight line system, using the purchase price as the basis for the purchased lines. The amounts charged off have been as follows: 1919, $499,173; 1920, $677,178;

1921, $680,629; 1922, $685,114. Only the expert could tell us whether these amounts are adequate. For the early years the sums mentioned were simply charged off. Recently, however, the city has begun to build up a cash reserve which may be used from time to time for renewals and replacements.

THE 5-CENT FARE EXPERIMENT, 1923

The 8⅓-cent fare continued in effect throughout 1922. The result was that total operating revenue rose to $6,216,000, to which enough was added from miscellaneous sources to bring the gross revenue to $6,228,102. Total operating expenses were $4,631,508, and payments required to be made under the purchase contract were $1,562,175, the total of these two items being $6,193,683. Had the gross revenues been applied to paying operating expenses, setting aside a depreciation reserve, and making the required payments under the contract, there would have been left less than $35,000 to pay the interest on other borrowings for street railway purposes and to provide for their amortization. These other debts amounted in 1922 to $1,710,000, and the annual interest thereon alone comes to over $80,000 a year. It is, therefore, entirely clear that the lines were not fully meeting all obligations from revenue.

But despite the fact that the lines were not fully making both ends meet under the burdensome conditions imposed upon them, there was a widespread opinion that fares were too high. The 3-cent fare proposal of 1922 was no sooner laid away than it began to be argued that the riders were at least entitled to having the 5-cent fare restored. The question became an issue in local politics. That element in the city which desires to have the purchase contract rewritten on the basis of a lower price undoubtedly hoped that the reduction of the fares would have the effect of making the bondholders, *i.e.*, the former operators and owners of the street railway, somewhat doubtful as to the value of their bonds and the more willing to consent to a revision of the contract. There were some who had the will to believe that if politics were eliminated from the operation of the street railways the savings would be so large that a 5-cent fare would bring in the desired revenue, but they were exceedingly vague as to what they meant by "politics" and as to just what the savings would be.

At any rate the mayor and the council made the experiment. Fares were by ordinance reduced to 5 cents, beginning March 1, 1923, and this rate of charge continued in effect through June 15. Financially the results of the experiment were almost disastrous. The increases in the number of pay passengers over the corresponding months of 1922 were below expectations. March showed an increase of 11.79 per cent; April of 13.60 per cent; and May of 14.80 per cent. Gross revenues decreased, however, as shown in the accompanying table:

	1922	1923	Decrease per cent
March	$527,982	$377,641	28.47
April	511,774	362,993	29.07
May	519,346	373,770	28.03

Indeed, during all three months in 1923 under the 5-cent fare, the system earned less than operating expenses. The operating ratios, expense to revenue, were: March, 110.10 per cent (loss, 10.10 per cent); April, 108.63 per cent (loss, 8.63 per cent); and May, 106.04 per cent (loss 6.04 per cent). While a continuation of the 5-cent fare for a longer period might have seen the loss reduced a little more, there was no

prospect that revenues would be restored to their previous figure. A refusal of the banks to cash street railway warrants finally ended an impossible situation. There was only one thing to do, namely, to admit that the experiment was a failure, and to return to the previous fares. On June 16, the old scale was restored, and there is now little likelihood that lower fares will be instituted for some time to come.

At the time of this writing complete figures for July are not available, but the figures for total passengers carried indicate that it will take a little time for the people to get back into the habit of riding at the high fares. Because of a visit by President Harding and various other events, July, 1923, should have shown an unusually large business for the street railway, but in fact the increase in the number of passengers over July, 1922, is almost negligible. The simple fact is that it is going to be hard to find more business for the street railway system of Seattle under present conditions. The cars are mostly old and poor, and the service, which is admittedly much better than it was during the last few years under private operation, still leaves something to be desired. The lines are long and crooked, uphill and down hill, for the city spreads over a number of hills and between bay, lakes and canals. The result is that a high rate of speed cannot be maintained, and that the service seems slower than it is. On the other hand the city has many miles of first-class paving, and there are many more miles of fine roads beyond the city limits, two strong incentives for a man to buy an automobile. The privately-owned automobile is undoubtedly the strongest competitor of the street railway in Seattle. Local jitney buses do not exist, for they have been kept out by council regulation.

THE OUTLOOK AND THE LESSON

What are, then, the prospects for the success of municipal operation of street railways in Seattle? To the outsider they appear to be neither very promising nor entirely desperate. Considering the success which the city appears to have made with public operation of the water supply and of the electric light plant, there is reason for feeling confident that the outcome will be satisfactory. The city will neither give back the lines, nor will it repudiate its contract with the former owners. The system is apparently being well managed. The superintendent, Mr. D. W. Henderson, is an able street railway man, who was formerly employed by the private owners of the lines. Many other employees have also been carried over from the previous régime. The whole system is being rehabilitated, and service is being improved. Operating costs are being reduced to some extent by the introduction of one-man cars and by the improvement of roadbed, tracks, and equipment. Some further savings are in sight when the city begins to supply its own current.

On the other hand the organization of the city government is such that there is an undesirable division of responsibility and authority in matters pertaining to street railway operation. The mayor, the council, the superintendent of public utilities, and the board of public works, in addition to the superintendent of street railways, all have their fingers in the pie. Questions of fares, of extensions, and of wages and salaries, are not settled on their merits from the point of view of efficient street railway management and the meeting of contractual obligations. Like other cities, Seattle needs to clear up the lines of responsibility in its municipal organization, and to develop even more highly its sense of

the importance of good administration.

If the friends of city manager government in Seattle have their way, some of these problems will soon be on the way to solution. In that case it may well be that other cities will be able to turn to Seattle for instruction in the science and art of running a municipal street railway. This is, however, merely the expression of a hope. The one big lesson which other cities learn immediately from Seattle's experience is how not to buy a street railway. In some cases it may be better to buy on hard terms than not to buy at all, but in any case a city should be fully cognizant of what it is doing. It should know the value of the property it buys. It should know the physical condition of the lines and their earning capacity as nearly as these can be calculated by experts. It should not agree to terms which, as in Seattle, make street-car riding a luxury. Most of all it should disentangle itself from all direct relations with the former owners as speedily as possible. If it is feasible, it is far better to borrow the money, to pay cash, and be quits, than to go through the constant bickering and litigation between company and city which have marked the path of municipal ownership in Seattle since 1919.

AN EXPERIMENT IN NEW METHODS OF SELECTING POLICEMEN

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A recent study, conducted in Newark, N. J., of the application of mental tests to the selection of policemen rendered very encouraging results. The method is here described for the general reader. Believing that everyone is interested in this subject we have devoted more than our usual space to it. :: :: :: :: :: ::

One application of psychological or mental tests during the World War was in the classification and selection of men by trade and job aptitude. War conditions created a demand for methods of personnel selection more precise, more reliable, and which could be more easily applied to large numbers, than the methods which were available at that time. The experimentation thus stimulated resulted in the development of a technique for personnel selection which combines the principles of mental testing and statistical methods of evaluation. Noteworthy results have been secured by applying this new technique in business, industry, and in certain branches of the civil service. It seemed worth while, therefore, to undertake a study of its applicability to a large and important branch of the municipal service—the selection of policemen.

The experimental investigation was made during June, 1922, on a group of thirty policemen in the fifth precinct of Newark, New Jersey. Mr. Charles P. Messick, secretary of the New Jersey state civil service commission, State Commissioner Edward H. Wright in charge of the Newark district, Captain P. J. Troy of the fifth precinct and

Captain James Meehan of the police training school, Newark, co-operated with the National Institute of Public Administration in making the study. We wish also to acknowledge fully the technical direction of Dr. Herbert A. Toops of the Institute of Educational Research, Teachers College, Columbia University, without which this particular investigation could not have been undertaken. We wish further to express our obligation to Dr. L. L. Thurstone of the Bureau of Public Personnel Administration for critical comment and suggestions on the text of this report.

The purpose of the study was twofold: (1) To examine the present system of police selection to ascertain if the methods now used are adapted to the end in view; and (2) to work out a selective scale according to the new technique by actual experiment with a sample group of policemen to show what results can be achieved by the new method. It is proposed to outline here in a general way the nature of the experiment, the methods used and the conclusions reached. A discussion of the statistical methods employed and tabulations of original and derived data will be presented in the *Journal of Criminal Law and Criminology*.

PURPOSE OF ANY SELECTIVE METHOD

The obvious aim of any method of selecting policemen is the securing of men adapted physically, mentally and morally to the duties of their position. Candidates must be examined for these three qualifications and their relative fitness in each determined by comparison with standards adopted by the examining agency.

Physical qualifications may be determined by medical examination and tests of strength and agility. Standards derived from actual experience are usually set up by the civil service commission. Such tests of physical fitness are easily applied by properly qualified persons.

Moral qualifications may be determined by requiring the candidate to present evidences of good character, such as affidavits from citizens, and declarations of freedom from obnoxious habits, or of a "clean" record. The obviously unfit can be culled out by several methods which may be reduced to administrative routine.

Mental qualifications, on the other hand, are more difficult to determine. And from the standpoint of practical police efficiency, they are of equal or of even more importance, for a candidate may have a robust and sound body, and have an unimpeachable character, but if he lacks mental traits found to be desirable in good policemen, his value to the department will be proportionately lessened. The present study was concerned primarily with this more important phase of the selective system —that of determining mental qualifications.

This consideration is also important from an administrative standpoint. Since the number of candidates always exceeds the number of places to be filled, it is desirable to make the elimination process both effective and economical. This may be done by examining the candidates, first as to mental fitness, then as to their physical fitness, and finally as to their moral qualifications before appointment to the department. The percentages of elimination would probably fall in this order. That is, it is probable that the ratio of the number that would be eliminated to the total number of candidates would be largest for lack of mental qualifications, next for physical disabilities and least for moral shortcomings. When mental fitness can be determined by the group examination method and physical fit-

ness only by individual examination, it is more efficient and more economical to eliminate first the mentally unsuited.

PRESENT ENTRANCE TESTS FOR POLICEMEN

The type of examination used by most civil service commissions to determine desirable mental traits in policemen is the free-answer form of examination, the form commonly used in schools and colleges. As a means of determining a person's knowledge of a limited range of specific facts and his ability to express himself in writing, this form of test has great value. But it has certain disadvantages which become apparent if used for purposes of selection when the capacities to be measured are not so much range of knowledge or literary ability, as particular trade traits or aptitudes. Its widespread use is probably due to two reasons: that it is the best known examination form and, until recent years, there have been few alternate methods devised or made available for this purpose; and the assumption that an applicant's police ability is in direct ratio to the knowledge he possesses along certain lines supposed to be germane to police duties.

DEFECTS OF PRESENT METHOD

The present examination form has accomplished one purpose: it has set up a minimum mental requirement which has served to keep out many undesirable applicants. This form of examination, however, has certain limitations which may render it of low reliability and low validity when considered as an instrument for measuring trade aptitude.

One limitation arises from the method by which the examination is set up. Few civil service commissions have attempted to discover the relationship between the subject matter of the examination and the job requirements. The basis of selection is more likely to be supposition and conjecture than analysis and accurate determination of what the content should be.

The second limitation is that this examination form is unreliable as a precise instrument for measuring these specific abilities. This is due to the fact that even when the identity of the candidate is unknown to the rater, various irrelevant factors assert themselves to influence the rating of his examination paper. Sheer mass of written material, the physical appearance of the paper, handwriting, punctuation and general grammatical form, are features generally known to have an influence in grading written answers.

UNRELIABILITY OF UNGUIDED GRADING

A third limitation is to be found in the method of scoring examinations. The grading is done by an examiner whose personal judgment is the sole guide in determining the value to be assigned to it. Objection could not be raised on this point if considerable variation in rating standards did not occur between different raters and even for the same rater at different times. This means, obviously, that unless an entire set of examination papers is marked by the same examiner, there will be inequalities in the grades assigned individual papers.

A paper should receive approximately the same grade from the same examiner at any time or from any number of examiners. Extensive investigation in the academic world has shown, however, that such is not the case. A final examination paper in high school English was graded by 142 teachers of English in as many institutions. Variations within reasonable limits would be expected, but this paper was marked all the way from 64 to 98 per cent. Another paper, rated by the

same teachers, had scores ranging from 50 to 98. A final examination in American history was graded by 70 teachers of history. One gave it a grade of 43, and another 90; a dozen rated it as 80 or above, and another dozen scored it as below 55.

Objection may be offered that English and history are too general in content and are not fair subjects for such comparison. It will be agreed that mathematics is more definite and would be a subject in which more uniformity of judgment would occur. Yet a final examination paper in geometry, scored by 114 mathematics teachers, showed differences in judgments as wide or wider than those found in English or history. One teacher marked it as low as 28, and two marked it as high as 92; a dozen marked it as 53 or below, and fourteen marked it as 83 or above. A measuring device which, in the hands of equally competent persons, gives a length of 92 feet in one case and only 28, or 30 or 40 feet in another cannot be said to be reliable.[1]

INVESTIGATION BY WISCONSIN CIVIL SERVICE COMMISSION

These findings are borne out to a striking degree by a study of the reliability of raters' judgments made by Allen M. Ruggles as service examiner of the Wisconsin state civil service commission. It was prompted by an interest in determining the weaknesses of present methods and replacing them by a more scientific procedure.

Twenty-five essays on an assigned topic were selected from an examination for the position of stenographer. The factor of handwriting was eliminated by mimeographing the compositions. This random sampling was then sent to twenty-five representative city, county and state commissions with the request that the papers be rated according to specific directions which accompanied each set. In a number of instances the marks sent in by the commission represented the average or consensus of opinion of several examiners. It would seem reasonable to assume that if unaided personal judgment were a reliable device there would be some sort of agreement between the ratings of examiners in the different commissions. But that such is not the case is demonstrated by the following outstanding facts revealed by this study:

In two cases essay 25 received the lowest mark given by an examiner and in three cases next to the lowest mark; it also was given the highest mark by one examiner and next to the highest by another.

One examiner gave a passing mark to only six of the essays while another failed only one.

One essay was given zero by one examiner while another gave it a mark of 70.

One essay was given a mark of 40 by one examiner and a mark of 94 by another examiner, the latter considering this essay the best in the set and the former considering it next to the poorest.

The instances cited are analogous to the methods followed and conditions surrounding the traditional civil service examination for policemen. The conclusion seems inescapable that in its present form the examination leaves the grade assigned to be determined by one whose unaided judgment, no matter how conscientious and competent he may be, may be unreliable and whose estimate may be influenced by factors other than those on which the value should be based.

STATISTICAL TEST OF VALIDITY

The purpose of any form of selective examination is to rank the several candidates in order of ability or aptitude.

[1] These data from "Measurement of College Work," *Educational Administration and Supervision*, Sept., 1921, pp. 302, 303, 309.

How effectively it does this can be determined by comparing the ranking of a group of candidates in the entrance examination with a ranking of the same group in order of demonstrated ability after a period of service in the department. The latter ranking then becomes a criterion or standard by which the validity of any selective scale, given to the same group, may be determined. The degree of validity can be measured exactly by a statistical device known as correlation. It expresses in one numerical figure on a standardized scale the degree of correspondence or co-relationship between two such series or rankings. If each individual in the test group held the same rank-order in the selective test as in the criterion of ability, the correspondence would be perfect and would give a coefficient of 1.00 or unity. Discrepancies in individual rank-order positions in the two series are reflected in the size of the coefficients. The scale of value extends from +1.00, perfect correlation, through 0, absence of relationship, to −1.00, a perfect negative or inverse relationship between the two series. Any selective scale seeks to approximate this criterion ranking. The coefficient of correlation thus becomes an index of the validity of a selective examination evaluated in terms of a reliable criterion of ability.

This statistical test was applied to the results of the civil service entrance examinations under which the group of policemen in the present study entered the service. The correlation for the regular civil service entrance tests and the ranking in a criterion of ability gave a coefficient of −.01. This coefficient is practically zero and normally indicates complete absence of relationship between the two series—the civil service test and the police officers' estimates of ability. While this finding is extremely unfavorable for the civil service tests, it must be borne in mind that the analysis is based on a group of only thirty patrolmen. One is not justified in declaring with finality that civil service tests are valueless, although this seems to be the indication.

DERIVING SCALE OF MENTAL TESTS TO MEASURE POLICE APTITUDE

The technique which is proposed herein has both a sound basis in theory, and at the same time possesses certain advantages which accrue to the benefit of both the civil service commission and of the police departments for which selection is made. It is the aim of this study to point out what these advantages are and to show, on the basis of actual experiment, the feasibility and applicability of the method.

The distinguishing features of the technique herein proposed are that it employs principles of mental measurement and analysis of proven merit, uses exact methods of evaluation, and derives a selective scale by actual experiment under typical conditions.

The first of these characteristics pertains to the measurement of mentality. The assumption is made that just as certain physical requirements are required for police work, so also certain mental characteristics or traits are needed in the make-up of an efficient policeman. What these traits are can be discovered by investigation of men in actual service. Several tests calculated to measure various traits are given to a group of typical policemen. The ranking made in each of the tests is compared by statistical devices with the ranking in the criterion of ability and on this basis a selection is made of the combination of tests which gives the closest approximation to the criterion ranking. Oth-

er factors on which objective measurements can be obtained for the whole group may be similarly evaluated. The group may thus be ranked on such traits as height and weight, grade at leaving school, age, and previous employment. The contribution which each trait or factor has to make can be discovered and included along with the mental tests in the selective scale.

Many individuals regard as fanciful the use of pencil and paper tests of abstract reasoning to gauge trade aptitude. Especially is this true of tests which have no apparent relation to the trade in question. The explanation of this capacity lies in the fact that the same mental characteristics are needed to answer the tests as are used in the particular trade. These particular characteristics are inborn capacities which are revealed through the amount of learning or acquired intelligence possessed by the individual. With environment practically constant, differences in acquired intelligence may be said to be largely due to the innate capacities to learn. But since innate capacities manifest themselves only through learning, they may be measured only indirectly by measuring what has been acquired. Professor Colvin of Teachers College, Columbia University, has stated this theory as follows: "We never measure intelligence; we always measure acquired intelligence, but we infer from differences in acquired intelligence, differences in native endowment when we compare individuals in a group who have had common experiences and note the differences in the attainment of these individuals." [2] Men applying for police positions may be said in general to have had common experiences. Thus, an instrument such as a mental test, by measuring differences in acquired intelligence, will indicate differences in native endowment. The effort is made to discover empirically those tests which are the most efficient instruments for measuring mental traits shown to be desirable in policemen.

[2] S. S. Colvin, "Construction and Use of Intelligence Tests," p. 19, 21st Year Book National Society for Study of Education.

STEPS INVOLVED IN TECHNIQUE

The problem of working out a selective scale has three distinct phases. The first aspect pertains to the selection of the experimental group of policemen; the second has to do with setting up a reliable criterion of police ability; and the third phase relates to the detailed procedure involved in deriving the selective scale.

1. Experimental Group. If the results are to be typical of policemen, the experiment group should represent all ranges of police ability. It is also desirable to have as many in the group as circumstances will permit. The original objective was 100 policemen. Had a service rating for each member of the department been available, such a number could have been secured. But conditions encountered in building up the criterion precluded taking such a large group.

An unbiased selection of subjects was assured by having Captain Troy assign 40 men from his command to co-operate in the experiment. This co-operation was secured through the courtesy of Director of Public Safety William J. Brennan and Chief of Police Michael Long, who authorized the study under the conditions described.

A further instance of the practical difficulties met in investigations of this sort was found when it was discovered that ten men in the group joined the force before the New Jersey civil service law became effective. Since it was desired to compare the entrance ratings with the criterion, it was decided to exclude the records of

these ten, so that data used in the final determinations were made from the group of thirty subjects.

2. The Criterion of Ability. The chief concern in setting up the criterion is to find an accurate measure of the ability under investigation. Were police work a purely mechanical trade, the task would be comparatively simple. The men could easily be ranked in order of productive ability if the amount of work turned out is considered an index of ability. The product in police work might be measured in terms of the number of arrests made, disturbances quelled, criminals brought to justice, etc., were such factors equally applicable to all members of a department and were reliable information available in departmental records. Objective measures of this sort were not available in Newark so that recourse was had to the judgments of commanding officers to put the men in rank order. In order to make these judgments as reliable as possible, the following steps were taken:

1. Independent judgments were secured from four commanding officers by two different methods of ranking the men in the group. Eight separate rankings were obtained, and the criterion finally adopted was a composite of these several rankings.

2. A rating scale was devised which broke up the composite factor "police ability" into four component elements and provided for the separate rating of each element according to the principles of the human scale used in the Army during the war.

3. Several days after rating the group, the officers were asked to rank the men in the order they deemed proper by the simple expedient of sorting and arranging cards bearing the names of the subjects.

The reliability of the criterion may be determined by correlating the results from the two methods—rating and simple ranking. Such a comparison should yield a coefficient of at least .80. The two methods employed herein yielded a coefficient of .84, thus indicating a significant reliability for the criterion used as the standard for comparison in the present study.

To say that the reliability of the criterion is high, means simply that the judges retain their opinions about the men that they are rating. The high reliability of the criterion does not necessarily mean that the ratings are correct. The criterion may have a high reliability and still be incorrect as estimates of the true ability of the men. If an officer gives his men the same ratings on two successive occasions, then the criterion is said to have a high reliability. But this does not prove that the ratings are correct estimates of the abilities of the men.

One of the common defects in checking tests against ratings of ability, is that the ratings themselves fluctuate so that the rating officers are inconsistent in rating the same men on different occasions. It is this difficulty that can be shown to have been avoided when the criterion is established as having a high reliability. In establishing the criterion for the present group of thirty patrolmen this common source of error has been avoided in showing that the criterion is a reliable one, even though it cannot be proved by any statistical method that the criterion is necessarily a final and true one.

3. Evaluating the Selective Scale. The third phase of the problem—that of evolving the selective scale—may be further subdivided into four steps, as follows:

(a) Job analysis of police work.

(b) Selection of tentative tests and other factors for the experimental evaluation.

(c) Statistical analysis of data and derivation of the combination of variables (tests and other factors) which will best predict police aptitude.

(d) Applying the combination of tests and other factors derived from the above analysis.

(*a*) *Job Analysis.* In this study a thoroughgoing job analysis was made of the duties involved in police work. Commonly such an analysis is made only in terms of broad human qualities, for police work is considered to require men who are loyal, adaptable, responsible, firm but courteous, intelligent, energetic, sympathetic, incorruptible, honest, of routine temperament, etc. But such a characterization is so general and so vague that the terms mean little in outlining the requirements for a particular job. When stated abstractly, such descriptive terms render fine distinctions almost impossible. Instead, the analysis should be made in terms of concrete job processes or definite functions. These functions may then be further analyzed into mental qualities or measurable traits required in their performance. Such an analysis was made.

Police duties may be grouped under three headings as follows:

1. Regulative duties. To apprehend criminals; to enforce laws, ordinances, and departmental regulations; to perform occasional duties incidental to patrol.

2. Investigational duties. To look into suspicious-looking circumstances and places; to make preliminary examination of crimes committed on post.

3. Informational. To answer inquiries of citizens; to report to the police and other city departments on conditions on post; to submit evidence in court.

These duties would seem to involve the following mental traits:

Memory: of persons wanted, verbal instructions, residents on the post, etc.

Observation: of suspicious-looking circumstances, conditions on post, circumstances in connection with the commitment of a crime or with an accident.

Reasoning or analytical judgment: ability to recognize factors pertinent to a crime situation and to its solution; ability to evolve a tentative solution of a crime from scraps of evidence.

Ability to follow directions: capacity to comprehend and to interpret correctly orders of superior officers.

Ability to organize material for written or verbal report.

Mental alertness.

Judgment.

Determination: capacity to persist in a routine assignment.

It will be noted that the above analysis omits certain qualifications highly desirable in policemen such as honesty, courage, social mindedness, etc. The reason is that at the present time not sufficient reliance can be placed on tests of such traits to apply them in an examination of this sort. Investigation has shown, however, that there is a positive correlation between desirable traits. This means that traits such as courage, social mindedness, etc., will more probably exist in greater amount in men with these desirable characteristics which can be measured than in men who possess these measurable traits to a less degree.

(*b*) *Selection of Tentative Tests and Factors.* On the basis of the above analysis eleven mental tests were selected for the experimental evalua-

tion. No particular test can be said to measure a specific trait. Test forms now available tend more to measure traits in combination, but the practical conditions of a job call forth combinations of traits rather than specific abilities. To test one particular aspect of intelligence is to test also related traits, for studies of the relation between amounts of desirable single traits show a direct or positive relation between such traits.

The tests selected were the following: arithmetical fundamentals; arithmetical reasoning; spelling; the "opposites" and "common sense" tests from the Army alpha series; a number copying test; two reading tests designed after the Thorndike-McCall reading tests; a speed test in forming rapid decisions; a test of ability to follow written directions; and an intelligence test which had been used in a police selective examination by the San Francisco civil service commission.

The eleven tests required 73 minutes. The additional time required for explaining the purpose of the experiment, distributing the test forms, and giving the directions for each of the tests, conveniently filled the two-hour period for which the men had been made available for our purpose.

In addition to the eleven mental tests, measurements of an objective character were secured on five other factors which lent themselves readily to analysis. Factors which may appear not to be pertinent may be found on statistical analysis to have very definite value as indicators of police aptitude. Every such factor available for use should be included, for to omit any renders the investigation of the subject incomplete. Those which have a bearing on the inquiry will be indicated by the statistical analysis.

The following factors were found to be available in the records of the police training school, police headquarters, and the state civil service commission.

Social: grade at leaving school; previous occupation weighted according to importance. Personal: height, weight and age at appointment. A derived factor-ratio of weight to height was obtained by dividing weight by height. An arbitrary scale of weights was used in grading previous occupations.

(*c*) *Statistical Analysis of Data.* In assigning the proper credits for all the tests and other factors considered to each policeman in the group, the practical effect was to give a serial ranking of the whole group in each of the variables to be evaluated. The statistical analysis then consisted in determining the extent of relationship that existed between each of the variables (tests or other ratings), and between the criterion of ability and each variable. These relationships were determined by use of statistical devices known as correlation and multiple ratio correlation formulæ. Simple correlation, mentioned previously, measures the degree of correlation between two variables. Multiple ratio correlation, on the other hand, takes into account a three-fold relationship—between a variable (say, test 1) and the criterion, the variable (test 1) and a composite combination of variables (other tests) and the variable (test 1) and each variable (or other test) in the composite. The multiple ratio correlation formula makes it possible to select from the variables being considered, the best possible combination of variables for measuring aptitude for police work. It also assigns to each variable thus selected a weighting which is an index of the relative value assigned to that particular trait as in the combination.

Suppose, for example, that instead of trying to predict police aptitude, we were trying to derive a combination of

factors by which to predict height of individuals. The problem would then be to take a group of individuals and find the correlation between their height and various other bodily measurements. We might take weight; girth of chest, hips, neck, arms, legs, etc., and length of various members such as forearm, leg, etc. We would find the correlation between height, the criterion which we are attempting to predict in this instance, and each of the various obtainable bodily measurements. The degree of correlation would vary in each case. But suppose that the correlation between weight and height were .60. This is a significant relationship, but what we wish to obtain is a coefficient approximating 1.00, or perfect correlation, which would enable us to approach perfect prediction of height from the other available measurements. Our problem is, then, to pick out those factors as yet unconsidered which, when added to the factor "weight," will boost the correlation coefficient .60 to as near 1.00, perfect prediction, as it is possible to raise it.

At this point in the analysis the multiple ratio correlation formula is applied. It is solved for each uncombined variable and the factor which gives the highest new correlation coefficient is the one selected to be added to "weight"—the original member of the combination. Separate solutions of the formula are made for each uncombined variable after each addition of a variable to the existing combination until the point is reached where no noteworthy increase can be obtained in the size of the multiple ratio coefficient.

For purposes of illustration, let us assume that successive solutions of the multiple ratio correlation formula have raised the coefficient .60 to .65 by adding girth of chest; to .69 by adding length of forearm; to .74 by adding length of thigh and to .80 by adding size of head. It would mean that by knowing the value of these five factors: weight, girth of chest, lengths of forearm and thigh, and size of head, we would be able to predict an individual's height with an accuracy of .80. While the single factor, weight, gives a validity index of .60, we may increase this index to the significant figure of .80 by taking the four other factors into account.

The formula also gives a weight for each variable added to the scale. Without this weighting, each factor would be of equal value, but some have greater and some lesser importance in the combination. Just what this value is, the formula determines in each case on the basis of the relationship existing between the variables.

Our purpose in this study has been to work out a scale for predicting police aptitude. The criterion used was police ability (as a measure of aptitude) instead of height of individuals, as in the illustration. The other variable measurements, which on preliminary analysis seemed to be related to police ability, were eleven mental tests and five measures of social and personal characteristics. Evaluating each of the variables by use of the two correlation formulæ, a combination of seven mental tests was worked out which gave a coefficient of .74. These were as follows: arithmetical fundamentals and reasoning, "opposites," common sense, number copying, reading test, and the directions test. Then, by taking the four factors: grade reached in school, height and weight at appointment, and previous occupation into account, it was found that the multiple ratio coefficient was boosted to the very significant magnitude, .80.

A multiple ratio correlation coefficient of .8 indicates normally a very

high predictive value for the tests. But here again it should be recalled that this study is based on a small group of only thirty cases and that a repetition of these tests under administratively comparable conditions would be as likely as not to give a correlation of .30 or .40 or .50 instead of .80.

The obvious conclusion to be drawn from these findings is that a technique which will derive a selective scale with a validity index of .80, merits serious consideration and is preferable to methods which, in this one instance, gave an index of −.01. The findings in the present study are not offered as conclusive or as capable of universal application. The study is an illustration of method only. It is not intended as a final contribution on civil service tests for patrolmen. It does point, however, toward certain recommendations which might well be adopted if the present findings are verified in more extensive tryouts of the new test methods.

ADVANTAGES OF METHOD

The advantages of this technique may be enumerated as follows:

1. Exact evaluation of the selective scale, based on actual conditions of the job.

2. The validity of the combination of tests can be computed on a scale of value. The relative merits of each of the component elements is also known. The commission can thus appraise the merit of its entrance examination at any time. This fact should enable it to secure a more precise instrument with which to measure police aptitude, for its efforts can be applied to improving the reliability of the individual tests and the validity of the scale as a whole.

3. This form of examination has certain inherent advantages which are valuable from the administrative point of view.

(a) The test questions are so worded that the answers are either a letter, a word, a number, a phrase, or one of these underlined. In the free-answer form of examination the answer to a question usually involves extended computation or composition. Factors other than subject matter exert an unconscious influence in the grading. But handwriting is not a matter of great concern in selecting policemen. Individuals are more alike in speed of checking, crossing out or underlining than they are in penmanship.

The answers to questions are arranged so that the grading may be facilitated by use of stencil forms and scoring keys. These forms contain the correct replies to questions. The rating procedure consists in placing the form over the paper to be rated and examining for correctness the written reply appearing opposite the proper entry on the stencil form or scoring key. Individual judgment is thus largely eliminated in the rating and the process can be reduced to routine procedure. The scoring, instead of being limited to a few examiners, can be done by clerks equipped with the proper scoring keys. The task of grading large numbers of papers would thus be facilitated.

(b) The test form secures objectivity in grading, a very desirable feature since it eliminates the variation found by experiment to result with the present form when the same paper is rated by two or more examiners. The advantages of the standardized test method of gauging mental fitness have been given by Terman, as follows: It is free from personal bias; it gives approximately the same verdict any time; it does not change its opinion, and gives the same result whoever makes the test.

ITEMS OF CIVIC INTEREST

EDITED BY HARLEAN JAMES
Secretary, American Civic Association

Washington Committee on the Federal City.—During the summer Frederic A. Delano, chairman of the Washington Committee on the Federal City, has received more than one hundred acceptances for service on this committee. Subchairmen have been appointed for the following committees: Forest and Park Preservations, School Sites and Playgrounds, Housing and Reservations for Future Housing, Street, Highway and Transit Problems, Water Front Development, Architecture, Industrial Development, and Limitations and Zoning. During the autumn the committee will issue a statement outlining the needs of the District in these various lines. These statements will be sent to the members of the committees on the Federal city organized in the cities and towns of the United States. A start has been made on some thirty-five committees, largely in the far west. By the time the November REVIEW is published this number will exceed fifty and cover the middle and northwest. During the winter it is hoped to complete the organization of field committees in the southeast.

For the first time since the United States has become a populous nation a systematic attempt is being made to carry out the spirit of the constitutional provision and the will of congress in bringing home to the people of the country their ownership in, and responsibility for, the conduct of the national capital. Moreover the American Civic Association is serving as the "missing link" in bringing to the attention of non-resident citizens of Washington the needs of the capital, since no citizenry can function intelligently without reliable information. It will be the aim of the Washington committee to prepare its recommendations with great care.

*

Road Signs.—Transcontinental motor travel has brought about a varied development in road signs designed to promote greater safety in travel. Each state has adopted different methods, but all, apparently, recognize the necessity for warning signs on the approach to sharp curves or steep summits. Some states mark the middle of the road by paint or light-colored cement on curves and summits, trusting to the psychological effect which such a marking is sure to exert on the driver In many states crosslines are placed on the pavement three or five hundred yards from railway crossings. Presumably the driver watches the road. Warning of cross motor roads is posted in many localities.

Another class of road signs consists of those designed to direct the traveler on his way. Arrows indicating direction and mileages to specified towns and cities ahead form the first aid to keeping on the right road. Many of the transcontinental roads are further distinguished by painted poles at crossroads and infrequent intervals; others carry marks on every pole.

But the safety and direction markers are still far outnumbered in most states by the advertising signs. These often endeavor to build their publicity for wares on some road direction or safety warning so that the motorist comes to disregard many warning signs as advertisements of safety brakes or boy's clothing or lubricating oil, and the actual official sign, like "Wolf, wolf!" called too often, comes to be neglected. Added to this confusion is the further consideration that advertising signs at crossroads make it difficult to see approaching cars around corners and doubly difficult to decipher the directions from overshadowing advertisements of every commodity under the sun.

Precisely because of these considerations the Indiana highway commission has banished advertising signs from all state highways, which is a step in the right direction, but which will not be wholly satisfactory until advertising signs are banished from private property facing on these highways. Such signs have been abolished in many communities, such as residence neighborhoods, park entrances, and along particularly scenic highways. But these limitations have been in the name of beauty. The limitations which are coming to be needed in the name of safety will undoubtedly be much more far-reaching.

Traffic in Toledo.—The *Toledo Journal*, published by the Commission of Publicity and Efficiency, reports that 436 persons were injured and 14 killed by the traffic "juggernaut" in the first six months of 1923. The *Journal* contends that the perils of the forest frontier in the days of early Toledo were less than those of Toledo traffic. The summaries are interesting and, if they could be studied in comparison with similar statistics from other cities, might help to show the greatest points of danger. Of the vehicles obviously at fault in the 1,429 accidents reported to the police (1,067 of which were non-injurious, 349 injurious and 13 fatal).

967	were	passenger automobiles
202	"	trucks, light and heavy
15	"	motor buses and jitneys
19	"	taxicabs
9	"	motor cycles
18	"	city and Federal passenger cars, trucks and motor cycles
5	"	passenger trains
136	"	street cars
27	"	interurbans
31	"	horse-driven vehicles
1,426		

More accidents happened in the afternoon and evening than in the morning.

Accidents:	
A.M.	353
P.M.	1,074
Daylight	1,110
Dark	318
Dry pavement	950
Wet pavement	479
Raining	28
Male drivers	1,342
Women drivers	87
At crosswalks	93
Not at crosswalks	57

Suggestions for the types of statistics which could be kept to advantage in different cities might help in solving some of the traffic problems.

✠

Phoenix, Arizona, has a city-planning commission composed of one hundred representative men and women, who meet at intervals to pass upon city-planning matters. There is an executive committee which holds conferences between the general meetings. This is one method of securing widespread support for the city plan. Phoenix, it is claimed by its citizens, will become the largest city between El Paso and Los Angeles. The Phoenix city-planning commission has unusual opportunities to guide the character of the future development of Phoenix, which is situated in a high bowl entirely surrounded by sharply-cut mountain ranges. Seen from the top of the highest building the town is nested in palms and tropical greenery, a brilliantly-hued gem set in the golden desert sand. Some of the buildings, happily, are of the Spanish type which suits the climate and the landscape exceedingly well. A few of the buildings would seem to have been inherited from the ornate eighties, and Phoenix should be thankful when the time comes for the replacement of these structures from which so many of our cities have suffered.

✠

The San Diego Exposition which grew out of the San Francisco Exposition of 1915 was a dream of beauty. The thousands who saw it will carry with them for the rest of their lives pictures which were composed by artists, for the gardens were made of desert sand and water; but the trees and shrubs and flowers were placed by masters of landscape design and the buildings were planned by those who knew and loved the southwest. But the finest result of the San Diego Exposition is the permanent park which San Diego has acquired and the permanent buildings which it inherited and which it is now erecting to replace the temporary walls of the exposition. With such examples before its people, it does not seem possible that public or private buildings of consequence will in the future be erected of materials and design unsuited to the place.

✠

Old Santa Fe, of all the towns in the United States, is perhaps the most interesting to the traveler from the Atlantic Coast where 17th-century buildings, now all too few in number, are prized as historic relics of the past. Santa Fe lays claim to the oldest governmental building in the United States in the Old Palace, occupied by the governors and other officers of the succeeding Spanish, Pueblo, Mexican and American régimes and now the home of the Historical Society of New Mexico, the Museum of New Mexico, and the School of American Research. The low adobe walls survive from 1607, the year of the discovery of Jamestown. The Cathedral, begun in 1612, destroyed in 1680 and rebuilt in 1711–14, still forms part of the present commanding structure. San Miguel Chapel, said to be the oldest church edifice still used for public worship, was built in 1636, partly destroyed in

1680 and rebuilt in 1710. But the civic significance of these old buildings is not that they antedate the antiquities of New England or Virginia, but that they have survived to bring about a renaissance of native architecture which, if followed consistently, may gradually replace some of the red and yellow brick "errors" of recent generations by a picturesque American type of building. And Santa Fe has not escaped other civic tragedies. Its plaza, once twice its present area, has been pushed back to the size of a single square. It might still extend to the Cathedral of St. Francis of Assisi.

One recent achievement Santa Fe has to its credit. No American town is complete without a modern hotel. So the citizens of Santa Fe banded together in a civic venture to provide a suitable hostelry for their town. The result is a building modeled after the pueblos, most appealing to the eye, provided within with those 20th-century conveniences demanded by our American public whether they sojourn to visit the latest plays on Broadway, or to inspect the oldest buildings in this country.

But perhaps the most interesting institution in a town of interesting institutions, old and new, is the School of American Research under the directorship of Dr. Edgar Hewett. The school has for its objects "the study of the Native American race; the rescue of its ancient culture; the preservation of its traditions; the restoration of its arts; the recording of its history; the advancement of its welfare," and "the cultural development of the southwest; the preservation of its antiquities; the increase and diffusion of knowledge of its historic past; the revival of its architecture; the advancement of its art." It was this group which restored the Palace of the Governors and built the Museum of New Mexico now housed across the street from the Old Palace in a building which reproduces six of the ancient Franciscan mission churches in its façade and still achieves a unity of expression. The school excavates ruins, and its discoveries are quite as dramatic and picturesque as the relics from the tomb of old Tut-ankh-Amen, and much more significant to the history of these United States.

✻

Dallas, Texas, has issued a handsome report on the park and playground system which is under the jurisdiction of a board consisting of the mayor and four citizens appointed by him, and confirmed by the board of commissioners, to serve without pay. The park system of Dallas has grown under the board from a single park to a great system consisting of 673.12 acres. This, coupled with the area of two suburban parks, gives Dallas a total area of 3773.12 acres available for recreation purposes. Thirty baseball diamonds, twenty-eight tennis courts and a number of golf links are maintained by the park board. The activities in the parks include baseball, football, basketball, track and field meets, swimming, tennis, free moving pictures and band concerts. In view of the discussion of park boards vs. park departments, Dallas would seem to score one for park boards if expansion of area and increase of activities is to be considered a gauge.

✻

The Salt Lake Municipal Record claims that local progress in smoke abatement may be measured by five distinct advances: (1) The extent of smoke emitted from various stacks in 1922–3 was only about one half of that of the previous year. (2) Stacks in business districts are now, with few exceptions, largely clear of smoke. (3) Formerly the business district produced about 40 per cent of the smoke. Now the business district produces less than 15 per cent. At present nearly all the smoke comes from residences and railroads. (4) Last winter inspectors were appointed to caution and instruct householders. Increasingly good results may be expected. (5) Extensive work has been carried on with the railroads. Some headway has been made, but there is need for further work in this direction.

Other cities, please copy.

✻

The Massachusetts Federation of Planning Boards, Horace B. Gale, chairman, Arthur C. Comey, secretary, has again taken up the cudgels to force action on the division of highways which is required under the law to make rules "for the proper control and restriction of billboards." The Federation makes the statement that the division has made no rules for the restriction of billboards in the most important respects recommended, such as in size, style of construction, location in regard to residences, etc. Attention is called to the fact that under the provision permitting towns and cities to draw up their own rules, subject to the approval of the division of highways, some twenty municipalities have passed ordinances or by-laws for restriction of

billboards; but of these, only two, those of Newton and Milton, have been approved by the division. The Federation claims that even such rules as the division of highways has made have not been enforced consistently. In short, Massachusetts has not gained much under the billboard law which was heralded as a battle won in the war on billboards. There is every indication that this particular battle must be fought again.

✠

The State Park Conference held at Turkey Run State Park, Indiana, introduced those who attended the conference to an exceedingly beautiful stand of original timber bordering streams which had cut their way from the hills leaving vast rocks exposed to view. The southern tulip trees, grown to great size, and sturdy, straight walnuts, always a temptation to lumbermen, are now preserved in state custody for the use and enjoyment of the people. The spring flowers were in blossom and the rambles through the park were quite as important to nature-lovers as the very excellent program. Delegates were also much interested in the comfortable service of the state-owned hotel in the park.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Attitude of "Review" on Boston Paving Situation.—In the September issue of the REVIEW, there appeared in this department an editorial comment entitled, "Controversy over Paving Contracts in Boston," which has aroused considerable discussion and apparently some misunderstanding. With the view of making clear an attitude with respect to the Boston situation, the following statement of what the aforementioned comment did and did not do is submitted:

It did take exception to certain statements appearing in a letter from the Boston Finance Commission to Mayor Curley, which was published in the *Boston City Record* of March 31, 1923, with respect to the relative suitability of sheet asphalt and bituminous concrete for pavement purposes, and the losses incurred by the city of Boston by reason of the use of one type of pavement rather than another.

It did present certain facts in support of this exception.

It did express the opinion that the case presented by the Boston Finance Commission in respect of these matters was not convincing.

It did endorse without qualification the criticism made by the Boston Finance Commission of the arbitrary methods and policy followed by the Boston city government in the matter of advertising and awarding contracts for paving as being contrary to recognized sound practice.

It did not by implication or otherwise endorse the policy or acts of the city government of Boston as against those of the Boston Finance Commission.

It did not favor the use, in Boston or elsewhere, of one type of pavement as against another type.

It did state that "There is a place for more organizations such as the Boston Finance Commission. The service furnished by these commissions should, however, always be of the highest professional standard and free from prejudice." It did not by statement or insinuation imply that the reports of the Finance Commission were lacking in the latter respect.

✠

Safeguarding the Operation of Gasoline Filling Stations.—An ordinance designed to reduce the hazards resulting from the operation of gasoline filling stations, by requiring that all motors in motor vehicles shall be stopped while these vehicles are being served or waiting to be served at such stations, was adopted during the past year by the city government of Rochester, New York. The essential provisions of this ordinance are as follows:

The driver or operator of every motor vehicle stopping or waiting at any gasoline station used for the purpose of filling gasoline tanks on motor vehicles shall stop the engine of any such motor vehicle when the tank of any such motor vehicle is being filled with gasoline at any such gasoline station, and such engine shall not be started

again until the cap or cover on any such tank is replaced; nor shall any such driver or operator while waiting at any such station have or keep the engine of any such motor vehicle running, except for the purpose of moving such motor vehicle and then not to exceed thirty seconds before any such motor vehicle is in motion.

Although such are of comparatively rare occurrence there have been serious accidents traceable to the running of motors in vehicles while the latter were standing at gasoline stations. This ordinance offers a means of protecting the public still further against the likelihood of accident. The adoption of similar provisions by other city governments is to be recommended.

✻

Motorists' Viewpoint an Obstacle to Safety on Public Highways.—The warped viewpoint of a certain class of motor vehicle operators with regard to what they deem their special rights in the use of the public highway is brought out in a recent editorial appearing in the *Engineering News-Record*. The editor comments as follows:

In common with many others, we have noted with concern the growing number of automobile killings in the United States and have demanded a greater care on the part of both drivers and pedestrians and a more serious consideration of the traffic problem by the governmental authorities. To us this has seemed a most serious menace and one which is increasing. We find now, however, on reading a recent article in an automobile journal that the danger is exaggerated; that while in fact the total number of deaths due to automobiles is increasing the number per automobile is decreasing. In other words, by analogy if the number of yellow fever deaths increase there need be no concern so long as the deaths per fever-bearing mosquito decrease. Or possibly this statistician would claim that, like the dog who by ancient common law is entitled to one bite, every automobile is entitled to one accident.

That public opinion is aroused to the necessity of disabusing these operators of any false notions they may have with regard to these special rights is demonstrated both by the frequent punishment with jail sentence of those violating the traffic laws and the preparation of far more drastic legislation governing the use of highways than exists at present.

✻

New Method to Reduce Shoving of Asphalt Pavements.—The tendency of sheet asphalt pavements to creep or shove under intensive traffic, particularly when this traffic is one way, constitutes a somewhat serious disadvantage to what is otherwise a satisfactory pavement. The peculiar suitability of sheet asphalt pavement for most city streets makes it extremely desirable in so far as possible to obviate this tendency and much time and thought have been expended by engineers in the attempt to accomplish this result. A method of constructing this type of pavement developed with the latter purpose in mind, that embodies certain features which it is believed have not been tried elsewhere, has been employed during the past year in the construction of a section of the pavement on Twenty-second Street, Philadelphia. According to Mr. Julius Adler, deputy chief, bureau of highways of Philadelphia, the specifications employed on this construction differed from those ordinarily used on this class of work in the following respects:

First, provision was made for the systematic roughening of the surface of the concrete foundation by embedding a sufficient amount of crushed 1½-inch slag or stone so as to produce a succession of points projecting above the concrete from 1¼ to ¾ inches, averaging 1½ inches to 2 inches apart. Second, the aggregate in the binder course was increased in size from the usual commercial ¾-inch material up to 1½-inch size, well graded but with the larger sizes in the majority. Accompanying this change the thickness of the binder course was made 2 inches instead of the usual 1 or 1½ inches. Third, the thickness of the surface mixture was reduced to 1 inch and this mixture contained in the neighborhood of 25 per cent of clean trap rock chips.

The purpose of these changes is easily understood. The binder and surface courses as modified are intended to produce a pavement with little tendency to slip as a result of a thinning down of the surface mixture and the thickening and stiffening of the binder course by the use of the unusually large aggregate. Assuming, however, that there will always be some tendency for the pavement as a whole to creep under heavy one-way traffic, the roughening of the surface of the concrete is provided in an attempt to provide a uniform anchorage between the asphalt and the base, which will at once arrest any slipping motion on the surface of the base.

This work was completed in October, 1922, and it is obviously much too soon to expect to gain any information in regard to the success of the experiment. If it is successful, however, it may offer a practical solution of a vexatious problem.

Treating Water Supplies to Combat Goitre.—The value of treating domestic water supplies by some method of chlorination in order to protect the community against water-borne diseases, such as typhoid, has been so clearly demonstrated that practically all of our larger cities and many of the smaller ones have adopted this method of protection. Its value to public health cannot be overestimated. Obviously, the purpose of this treatment has been to prevent disease by removing the cause.

A recent proposal made by Mr. Beekman C. Little, superintendent of water works, Rochester, New York, for the treatment of the supply of that city, contemplates not alone the prevention of diseases but also combating it when already present in the human body. This plan, which was outline by Mr. Little in a paper presented before the last convention of the American Water Works' Association, is directed towards the prevention and treatment of goitre.

The latter disease is generally recognized as a swelling of the neck due to the enlargement of the thyroid gland. Iodine is a natural constituent of the thyroid gland and essential to the normal activity of that gland. The amount of iodine required is exceedingly small, but when absent the thyroid gland seeks by increase in size and surface to make up for this lack of iodine and results in goitre.

The extent to which goitre prevails is seldom appreciated. Sporadic cases occur practically over the entire world and in some districts it is prevalent to a marked degree. In North America such a district includes practically the entire Great Lakes region, the basin of the St. Lawrence, and the Northwest Pacific region. Mr. Little estimates that in the Great Lakes region, including as it does Rochester, seven out of every hundred school children are afflicted with goitre. In addition it is stated that a large proportion of all the women who consult physicians have the disease. The seriousness of these conditions may be appreciated when it is considered that there is a definite relation between goitre and cretinism or idiocy which is marked by physical deformity and degeneracy.

The essentials of the proposed treatment of water supply for combating this disease is the introduction of minute quantities of iodine into that supply. The water bureau at Rochester has already started this treatment of the water. At one of the reservoirs from which is drawn all of the water entering the city mains, the supply has been treated daily for a period of two weeks with sixteen pounds of iodide of soda. Following this treatment analysis of the water showed the iodine content increased from one part in a billion parts of water before treatment to twenty parts in a billion after the addition of the iodine salt. It is proposed to treat the water at six-month intervals, and Mr. Little states that it is probable the amount of iodide added at the time of the next treatment will be somewhat increased in order to secure a ratio of fifty parts of iodine to one billion parts of water, the latter being the ratio it is desired to maintain. The idea of dosing all water consumers is somewhat startling, but not without precedent.

In Switzerland where goitre is prevalent, it was decided last February, in one canton, to incorporate a small amount of iodine in all the table salt used. As everyone takes daily a certain amount of salt and as it is inexpensive and the Swiss government can control that article of food, it was deemed to be a most suitable carrier for the iodine. This method, however, does not seem to have the advantages of the water supply method used in Rochester. It has been estimated that in the latter city the present treatment of the water supply will result within two or three years in practically eliminating preventable goitre of which, according to Dr. Goler, health officer of Rochester, there are at present among children more than 2,000 cases annually. This experiment in community medication would appear to have sufficient merit to justify its serious consideration by public health officers in other sections of the country where preventable goitre is prevalent.

✠

Rights of Property Owners in Determining Type of Pavement and the Selection of Materials for Street Construction.—The rights of property owners in the determination of the type of pavement to be laid on streets abutting their property and the selection of materials to be used in this work, as defined recently by the Indiana supreme court, discloses information with respect to the provisions of the state laws governing these matters that deserves serious consideration. The essential features of the statute in question together with the court's interpretation of its provisions, as outlined by A. L. H. Street, attorney-at-law, in the October issue of the *American City*, are as follows:

A section of the Indiana statutes provides that when a preliminary paving resolution is adopted

the board of public works shall adopt not less than four sets of detailed specifications, each describing the wearing surface of a certain kind of modern city pavement, and authorizes a majority on the street to require by petition that specifications be filed for another kind of pavement. After bids are received a majority on the street may by petition require the adoption of one of the kinds of pavement covered by the bids.

Construing this statute in the case of *McGuire* vs. *City of Indianapolis*, 135 Northeastern Reporter 257, the Indiana supreme court holds that it does not permit the property owners to designate a particular brand of material, as against another brand used in producing the same kind of paving. So, it was declared that the board in this case having adopted Mexican asphalt as a material, could not be required to substitute Trinidad Lake asphalt. The court said:

"The whole tenor of the act seems to be that the owners on the street may control the completed entity which is designated by the name of some 'modern city pavement.' But the details, specifications and manner of producing that pavement are left to the board. It is the result and not the details which those on the street have a right to control. It is for the board to say, by specifications, what test the materials shall have. It is for the owners living on the street to say whether it shall be a brick, asphalt, creosoted block, or some other 'kind of modern city pavement.'"

The findings of the court in this matter disclose two fundamental weaknesses both in the statute and in the practice followed in specifying construction materials. The first of these is the provision in the statute that permits the property owner to decide on the type of pavement to be laid on any street. This policy ignores the controlling element governing the selection of pavement type, namely traffic. Economic considerations demand that the selection of a type of pavement for any street should be made only after careful study of local conditions by competent engineers. Moreover, the engineering advisors of the city government should have the final decision in such matters. It is in this way alone that serious financial loss to the community due to the selection of unsuitable pavement types can be avoided.

The second objectionable feature noted is the use of a trade name in designating construction materials. When this is done in a specification, the latter becomes what is known as a "closed specification." The use of the latter tends to stifle competition and almost invariably results in higher cost of work. Such use is to be condemned except under unusual conditions which rarely occur. There are adequate specifications for bituminous materials in the standards recommended by the various technical societies such as the American Society for Municipal Improvements, The American Society of Civil Engineers and the United States Office of Public Roads, to meet conditions ordinarily arising in connection with street improvement work. These specifications designate the physical and chemical characteristics for bituminous materials that experience has demonstrated are required to ensure obtaining suitable materials for street construction. Their use is to be recommended. Suitable action should be taken to revise the Indiana laws governing these matters so as to make their provisions conform to recognized standards for street improvement work.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

The Ohio Institute for Public Efficiency has been engaged by the Ohio State Teachers' Association to conduct an investigation into the methods of school financing in Ohio. The inquiry will deal especially with the sources, amounts, and distribution of school revenues. It is expected that the report will be ready about December 1.

The National Conference on the Science of Politics was held at the University of Wisconsin, September 3 to 8, with an attendance of more than 100 university and research men. The research group was represented by Philadelphia, Detroit, Chicago and Milwaukee.

The Conference was divided into a number of round tables, each discussing some given subject in applied politics, such round tables meeting twice a day with a general meeting in the evening.

The principal result of these round tables was to indicate the value of unified consideration of political questions. Selected rather than gen-

eral groups dealing with designated subjects will make more substantial progress than was evident this year. It is hoped that another year a large number of research men may attend to consider very definite problems confronting the movement.

It was determined to hold another session in 1924, the arrangements to be made by the existing committees, such meeting to be held at the University of Wisconsin, where accommodations are provided in the dormitories.

A review of the results of the meeting and of plans for next year will be made at the Washington meeting.

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Arch Mandel of the Dayton Research Association has been engaged by the Detroit Bureau of Governmental Research to supervise a survey and a reorganization of the clerk's office of the recorders' court of Detroit.

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Dr. Charles A. Beard sailed for Japan on September 23 to assist in the reconstruction of Tokio. Dr. Beard recently returned from Japan after spending six months as the guest of Vicount Goto, who was then mayor of Tokio, and is now minister of home affairs, in charge of the entire work of reconstruction.

Plans had previously been prepared providing for the gradual rebuilding of Tokio along modern lines, which plans will be expedited by the present catastrophe.

Dr. Beard also took with him all available information concerning the earthquake in San Francisco and the subsequent reconstruction.

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Report of Committee on Political Research.—The Governmental Research Conference appointed a committee on political research to co-operate with the committee on political research of the American Political Science Association, for the purpose of bringing together into closer relationship the political science departments of the universities, the faculties and students, with the governmental research agencies throughout the country.

The political research committee of the Governmental Research Conference made a preliminary report including the following recommendations:

1. That the Governmental Research Conference urge upon its constituent bureau members, the desirability of providing in their budgets for a number of junior training positions, such positions to pay a living wage, and to be filled so far as practicable from graduates in political science of the universities in that immediate vicinity.

2. That the constituent bureau members of the Governmental Research Conference be urged, so far as possible, to avail themselves of the services of university faculties in political science during vacation periods for which they may be particularly fitted.

3. That the Conference urge upon its constituent bureau members the desirability of assembling and making available to university students and others, a working library of manuscripts, pamphlets, and reports bearing upon applied political science.

4. That the committee on political research of the American Political Science Association be requested to determine the extent to which public administration is actually taught in American universities, and to determine the advisability of requiring a reasonable number of months of field work as a prerequisite to an advanced degree in public administration.

5. That the committee on political research of the American Political Science Association be requested to consider the advisability of directing additional students in the study of public administration, such students to make a larger use of material available in Research Bureau libraries.

6. That the constituent bureau members of the Governmental Research Conference and the departments of Political Science in universities be urged to enter into relations by which courses in public administration may be given under the direction of men engaged in active research; and that both parties promote, by all means possible, the public employment of especially trained men.

7. That the constituent bureau members of the Governmental Research Conference be urged to make specific assignments for the writing and publication of articles dealing with public administration, and concerning which adequate current material is not available; and that the NATIONAL MUNICIPAL REVIEW, so far as is expedient, be used as the organ of publicity.

8. That the committee have made and published a brief survey of administrative progress that has been made through political research, with a statement of next steps to be taken, and that the corresponding committee of the Political

Science Association have made a more comprehensive and historical study of the same field.

9. That arrangements be made for a conference in applied political science to be held at some convenient time for both university and research men, at which definite problems in political research may be considered, and a program of future research be outlined for consideration by universities and research bureaus.

Respectfully submitted,

W. F. Willoughby,
R. T. Crane,
R. M. Goodrich,
A. E. Buck,
L. D. Upson, *Chairman.*

POLITICS AND ADMINISTRATION

Philadelphia Endorses the Gang.—The Philadelphia primary, on September 18, served largely as a Roman holiday for the Republican organization. The showing of the independent Republicans was most pathetic.

Kendrick defeated Evans, the independent candidate for mayor, by a majority of 217,000. The Vare-Cunningham-Hall combine carried all of the twenty councilmanic seats except possibly one, and that is in doubt at the present writing. The combine swept also into the county offices that were voted on. The seven sitting municipal court judges were renominated. The stakes were high at the primary election because in Philadelphia nomination on the Republican ticket virtually means election.

Evans did not carry a single ward in the city, not even his own division. The independent wards went right along with the "gang" wards in the support of the organization candidates.

The women's votes for the independent ticket did not materialize either, although a special appeal had been made for their support by placing a number of them on the reform ticket.

Those in touch with politics did not expect success for the Evans campaign as a whole, but they did expect to see the independent wards send a number of unbossed men to the city council as they have done many times in the past.

The Evans campaign aroused little interest and seemed unable to present any real issues. Evans attacked the fitness of Kendrick as a business man, but succeeded in eliciting no back-fire. Kendrick and his supporters paid no attention to attacks, simply sitting tight.

Powell Evans is a successful business man who has been for years associated with reform movements in Philadelphia, and was very active in formulating and having adopted the present city charter. He is a strong-headed, positive kind of a man who does not make a popular appeal. He announced his own candidacy in the early summer with full-page paid advertisements in the press. At the same time a citizens' committee was trying to discover a candidate to make the run. Not finding a suitable man, who would accept, they accepted Evans and made up their minds to make the best of it.

After every reform administration in Philadelphia there seems to be a complete swing the other way. After Blankenburg came Smith; after Moore comes Kendrick. Kendrick is the hail-fellow-well-met type of joiner who prides himself on knowing a regiment of people by their first name. He is at present receiver of taxes, and has been for a number of years. The organization looks forward to four fat years. Millions of dollars will be spent in subway construction, sewage disposal, and water supply extension in the next four years, and on top of that comes the expiration of the lease of the city-owned gas works in 1927.

Philadelphia has given "the gang" a very definite and certain mandate which they in turn will joyfully accept.

Robert E. Tracy.

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Columbus Manager Takes Issue with the Writer in the "National Municipal Review."—We are in receipt of the following letter from Walter A. Richards, city manager of Columbus, Georgia, taking issue with the statement of H. W. Byers that because of the weaknesses in the manager plan Columbus had three different managers in ten months. Mr. Byers' article appeared in the July number of the Review.

Editor, National Municipal Review
Sir:

My attention has just been directed to the article "Des Moines after Fifteen Years Commission Plan Government" in the July issue of the National Municipal Review.

Toward the latter part of the article, the author cites Columbus, Georgia, as one of the cities in which the "fundamental weakness in the manager plan" has been demonstrated, giving as the basis of his deduction that we had had three managers in ten months.

Being the third manager referred to, I feel that in fairness I should correct the false impression as to the success of the commission-manager form of government in Columbus.

It is true that since January 1, 1922, we have had three managers. The first was a professional city manager, who did not quite "fit in," but who established the government on a high plane of efficiency, during his six months' stay.

The next manager was a local engineer, of the highest type, who, after a most successful administration, resigned to accept a position paying between $25,000 and $30,000 a year.

These two men built up a successful, well-oiled machine, so that the writer, also a local man and inexperienced in municipal affairs, took up the reins eleven months ago and has carried on the work without difficulty.

It may be interesting to know that in less than two years we have reduced our current expense or general government fund, from an overdraft of $150,000 to a credit balance of $10,000—and at the same time given greater service to the people.

These have been primarily years of retrenchment, in as much as the administration was unwilling to go into extensive improvements, in the face of a large debt. But now, that we are on a cash basis, with no overdraft, we plan to put into effect many enterprises which will improve "the health, strength and morals of the kiddies"—and also the grown-ups.

I have no intention of criticizing Des Moines' form of government; nor do I care to enter into a controversy as to the relative merits of the two systems. But I do wish to say that the author of the above article has been unjust in his criticism of the commission-manager form of government and that his deductions as they relate to our government in Columbus are not only erroneous in principle, but contrary to facts.

Columbus citizenry as a whole believes that this form of government gives the maximum efficiency in administration; and suffers least from political blight.

Very truly yours,

WALTER A. RICHARDS,
City Manager.

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City-County Consolidation in Seattle.—While the Municipal League was broaching the subject of city-manager government for Seattle early this year, the proposal for consolidation of the local governments was being pushed before the state legislature at Olympia. There are five separate authorities operating within the city limits to-day. King county, of which Seattle is the county seat, covers an area of 2,100 square miles, and its population. The school district, which is a separate corporation, covers the same area as the city. The Port of Seattle is a fourth authority operating in the same area, and there is also the so-called "Commercial Waterway No. 1," which has control of a part of the water front within the city. The consolidation of all these authorities except the county could be accomplished by statute, but to bring in the county also requires an amendment of the state constitution.

It is the opinion of many citizens, representing different interests and organizations, that important economies could be effected by the consolidation of these different authorities. Through the personal labors of Mr. Vivian M. Carkeek, a leading attorney, who has taken particular interest in this matter, a bill was drawn up last winter and presented to the legislature early in its session for a constitutional amendment to authorize city-county consolidation in cities or counties of over 80,000 population. The population class was later narrowed down to include only communities having over 300,000 inhabitants. The general purport of the proposal was that the legislature should be authorized to provide for such consolidations by general law, and that each community affected should be permitted to draw up and adopt its own charter under the general authority of the statute. The draft included also several financial restrictions applicable to any "city and county" which might become organized under the act.

The proposal was favorably received, but the legislature was heavily burdened with business of all kinds, and was limited by the constitution to a short session. When the appropriate senate committee finally took up the measure, amendments were proposed and adopted to include in the constitutional provision an authorization to consolidate with the city and county any port district, school district, or other local authority within the same area. In this expanded form the bill was favorably reported by the senate committee, but so late in the session that it could not pass. The measure now awaits another legislative session.

In view of the fact that the same organizations are supporting both the city-manager plan of government and the city-county consolidation, it is not unreasonable to expect an ultimate combination of the two proposals into a plan of

organization similar to that which was worked out for Butte and Silver Bow county.

WILLIAM ANDERSON.

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Important New Jersey Decision Adverse to Zoning.—The New Jersey supreme court has recently declared unconstitutional the provision of the zoning ordinance of the town of Nutley prohibiting the erection of a combined store and dwelling upon a lot restricted to residential purposes. The court conceded that many of the features of the ordinance are valid as proper exercises of the police power, but finds nothing in the nature of a retail store to justify its exclusion from a strictly residential district. It is the opinion of Edward M. Bassett, the noted legal authority on zoning, that if this decision is sustained in the court of appeals and errors the main prop has been knocked from under the entire structure of zoning in New Jersey.

Counsel for the town so presented the case as to raise the whole principle of excluding stores from residential sections. A wiser course would have been to localize the controversy to a decision as to whether or not this particular application of the zoning ordinance were a reasonable one.

The New Jersey decision is not in accord with the recent Kansas decision in *Ware* vs. *City of Wichita* as set forth in an article by George Siefkin in the NATIONAL MUNICIPAL REVIEW for June. The Kansas court sustained an ordinance excluding a retail store from a district set aside for residential purposes. The general welfare phase of the police power was invoked, whereas in the New Jersey case consideration was confined solely to questions of public health and safety. The court did not find that retail stores were so noisy, disorderly or dangerous as to warrant their exclusion.

The decision has been appealed to the highest court in the state, the court of appeals and errors. The New Jersey league of municipalities is uniting to secure a reversal in the final court.

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Milwaukee's Public Debt Amortization Fund.—The legislature of Wisconsin has enacted a measure establishing a fund in the city of Milwaukee which is expected to grow to such proportions that ultimately the interest therefrom will wipe out the entire city debt. It is called the Public Debt Amortization Fund.

The principle underlying the plan is the fact that the city has continuous existence, outliving generations of individuals that successively constitute it, and the further fact that a fund increases rapidly through compound interest.

Citizens of the present generation are asked to make a small sacrifice in the form of a yearly investment in a fund so that citizens of a future generation may enjoy the large benefit of the elimination of the city debt and the availability of substantial sums of money at hand in lieu of taxes for carrying on important municipal projects. It means that the city will open a savings account, making a deposit yearly and compounding the interest.

The principal of the fund will never be used; it will always remain intact. The law provides that when the fund has grown to three-fourths of the outstanding bonds of the city, then three-fourths of the annual interest on the fund shall be applied to pay the interest of any outstanding bonds and to assume new bond issues of the city or for any purpose for which municipal bonds may be used.

All interest money which may accrue to the city treasury as interest earned on cash advanced for funding street improvements or delayed special assessments and one-third of all interest money on city funds will be set aside for the amortization fund. The common council may, by a two-thirds vote, pay into the fund additional moneys from any source whatsoever. Gifts and bequests may also be received.

The fund will be established with a sum of $400,000 now in the treasury from the first mentioned of these sources.

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Reproduction Cost and the Supreme Court.—We have received the following interesting letter from W. H. Malthie, Esq., which he has kindly allowed us to publish.

I have read with much interest Dr. Bauer's article in the September issue with regard to the decision of the United States Supreme Court in the Southwestern Bell Telephone case and, of course, agree with Dr. Bauer that the case in question did not establish reproduction cost as the measure of present value.

It seems to me, however, that Dr. Bauer has made two minor errors in his discussion of the case, both of them to be found on page 530 of the article.

The first of these mistakes is in the thought that the Missouri commission had based its rates upon the actual investment of $20,400,000. This statement I think is not supported by the record. The commission did not find actual

investment or any other figure for the properties as a whole. It reached its final figure by applying to the property as a whole a certain ratio resting upon valuations of three exchanges made in prior years. An investigation of the original reports of the cases on these three exchanges does not to my mind indicate that even this was a basis of actual investment, but rather that it was a reproduction cost as of these earlier dates further reduced by depreciation.

The second error is that the court allowed or found a value of $25,000,000. This again, in my judgment, is not justified by the record. The supreme court did not attempt to fix any value for the property, but it did say that there was practically uncontradicted evidence that the value was at least $25,000,000, and therefore on the record the court would hold that the value was not less than $25,000,000. This value was sufficient to make the rates confiscatory and the actual question of value was not passed upon at all, except to determine that it was not less than $25,000,000.

I am disposed to agree with Dr. Bauer that both the public and the utilities would in the long run be better off if the actual investment could be protected, but I do not agree with him that this can be brought about by any action of the state legislatures and state commissions until such time as the United States supreme court chooses to make a different interpretation of the Federal constitution. The presentation of the prudent investment theory made by Mr. Justice Brandeis is undoubtedly as strong a presentation as can be made, but its very strength only emphasizes the more the fact that it has been definitely rejected by a 7–2 vote of the supreme court. So long as that vote stands present value must remain the basis on which confiscation is measured.

Proposal of New Commercial Zoning District for New York.—The three zoning maps of Greater New York show allowable height, area and use of buildings. The kinds of use districts are residence, business and unrestricted. In business districts not only new business buildings are allowed but buildings which devote one-fourth of the floor space to light industry. The framers of the zoning resolution considered that it would be too drastic to prevent all new light industry in business districts. A millinery, clothing or jewelry store must have a workshop. Numberless small light industries are scattered throughout the business districts and are as suitable as the stores themselves. The Save New York Association has pointed out that the zoning of central Manhattan is insufficient because light industries, selling their wares at wholesale, cause the best commercial streets to be crowded with industrial workers and trucks. They say that, if New York is to keep its reputation as the shopping and wholesale center of the country, it must do something to prevent further congestion on commercial streets. They justly claim that in central Manhattan the limitation of one-fourth floor space for light industry does not have the desired effect. Halls, toilets and storerooms take up considerable space in every large building. Then when necessary showrooms and offices needed by light industries are subtracted, they say the light industry can occupy about as much space as it wants and still come within the one-quarter allowance.

It is claimed that the root of the trouble is that many light industries, like garment, millinery and fur, sell at wholesale and therefore need to employ large numbers of workmen and use many trucks. The suggestion is that the new zoning district should exclude new establishments that manufacture and sell their products at wholesale, and should limit new light manufacturing establishments to those which sell their product at retail on the premises.

There is no doubt that it would be a great benefit to many commercial streets in central Manhattan and perhaps to some in other boroughs if they could be placed under zoning regulations that would prevent sidewalks and roadways from becoming more congested. Retail shoppers, out-of-town buyers, theatre-goers and office and store workers sufficiently crowd these streets without the addition of constantly increasing numbers of industrial workers and industrial trucks. There would be plenty of room outside of these central streets for new light industry establishments selling at wholesale. The city as a whole would be benefited because it would be safer and more attractive to its thousands of yearly visitors.

Would a zoning district that excluded new light industry establishments selling at wholesale be lawful? If it could be shown to the courts that sidewalks and roadways were made safer, that fire risk was less, that streets were more passable for fire and other emergency apparatus, and that health conditions generally were improved, it is likely that the new district would be upheld.

Some might claim that it would be unreasonable to prevent a manufacturer ever selling at wholesale. Doubtless this is true. The courts would not try to prevent it. Such sales would be incidental and not the principal business. It is quite certain that the city authorities could

identify and prevent the new establishments which made their principle business the manufacture and sale at wholesale. The tendency of such new establishments, especially if large ones, would be to locate outside of the new districts.

EDWARD M. BASSETT.

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County Budget Commissions in Oregon.—The first tax supervising and conservation commission law was passed by the Oregon legislature in 1919. The law provided for centralized research and publicity as to expenditures, indebtedness and budgets, but the commission was given only advisory power over budgets and tax levies. Consequently, it is not surprising that many of the recommendations of the first commission were rendered futile by the lack of power to enforce them. This situation was rectified and teeth were put in the law in the 1921 session —where the vote in favor of final passage stood unanimous in the House and 21 to 6 in the Senate.

PRESENT LAW

The law of 1921 continued the requirements as to financial co-ordination and publicity, but provided in addition that the tax supervising and conservation commission should enforce its budget decisions by tax levy certifications. Briefly, the various levying boards are required, on or before the first day of October of each year, to submit to the commission their detailed budget estimates for the next ensuing fiscal year, giving historical data for three and one-half preceding years. Budget hearings before the commission are provided for. The commission is not empowered to increase items of the budget unless the increases are requested under emergency circumstances by the levying bodies and the vote of the commission has to be unanimous. The law requires the commission to direct the various levying bodies to levy certain taxes in accordance with its findings and conclusions. In case a levying body does not levy the tax certified by the commission, the commission is authorized to levy the tax on its own account and the county assessor is required to extend the commission's levy on the tax roll, all levies extended contrary to the provisions of this law being declared null and void.

The law further provides that, "Nothing contained in this act shall be construed to impair or to interfere in any manner with the right of the qualified voters of any municipal corporation to vote under the constitution and laws of the state of Oregon upon any question of incurring bonded indebtedness for any public purpose or of levying any general or special tax that may lawfully be submitted to the electors for their approval or rejection."

Another provision of the law is to the effect that increases in any item in the budgets may be made only under certain conditions and by the unanimous vote of the commission. Similarly by interpretation it has been held that reductions also may be made only by the unanimous vote of the commission. The general idea of the law is that the commission should have the power only to reduce budgets by unanimous agreement.

EFFORT TO DESTROY COMMISSION

At the legislative session of 1923, an effort was made by the enemies of the commission to destroy its powers under the guise of an amendment restricting its jurisdiction only to those levying bodies not directly elected by the people. Such a provision would take out of the commission's jurisdiction five of the six major levying bodies, and the purpose of the amendment was obvious. This bill also was defeated. The tax supervising and conservation commission of Multnomah county, created by a state law in 1921, after two years' functioning, went through the 1923 legislature unscathed.

RESULTS

Speaking of results accomplished by the commission in its two years in existence, reference to its two annual reports show that the reductions made in the budgets submitted to them have been much less than 10 per cent. A summary of the reductions in the expenditure budgets and tax levies for the two years is as follows:

	Expenditure budgets	Tax levies
1922 Budgets.....	$491,330.40	$610,806.77
1923 Budgets.....	383,107.23	536,959.53
Total two years.....	$874,437.63	$1,147,766.30

These reductions are a tangible evidence of the work of the commission. However, there are also intangible results which cannot be set down in figures. If the tax levy of one year is reduced it will automatically control the levy requested

the following year because of the constitutional tax limitation; hence the effect of a tax cut in any particular year is cumulative. Furthermore, the existence of a supervisory agency, whose duty it is to scrutinize carefully all requests for expenditure and all revenue estimates, has the effect of stimulating greater care in the preparation of the budgets. The importance of comprehensive budget programs has been continually emphasized by the commission.

The commission calls attention to the fact that the budget savings which have been made have not generally resulted from large arbitrary cuts, but rather from many small reductions which aim at economy in government operation without changing the sphere of the government's work. Closer adherence to price changes, stricter accounting of property, closer estimating of revenues, and the emphasizing of the self-supporting possibilities of the various branches of work have been subjected to the commission's inquiry.

PLAN EXTENDED TO ALL COUNTRIES

The original law, although general in form, applied only to Multnomah county (Portland, Oregon), this being the only county with over 100,000 population. For two years prior to the 1923 legislature a special tax investigating committee of the legislature made a study of state and local finances. One of its recommendations was to the effect that the tax supervising and conservation commission system should be extended to each county in the state. Although there has been considerable opposition on the part of local officials in Portland, and although the work of the commission has not been of such a nature as to elicit popular enthusiasm, the recommendation of the committee was formulated into a bill which passed the House by a vote of 39 to 16, with 5 absent, and the Senate by a vote of 19 to 11, none absent.

What will happen to the tax supervising and conservation commission idea after it is tried out in the other counties of the state is a matter of conjecture. A very limited expense allowance (maximum for the outside counties being $2,500 per year) and the possibility that the wholesale appointments by the governor may at some points become involved in local factional quarrels may pave the way for ultimate defeat of the idea. At any rate it seems evident that the people of Oregon are determined to check the rapidly increasing cost of government, and this new experiment will be watched with much interest.

C. C. Ludwig.

After Three Years' Trial.—Under this caption, the Lynchburg (Va.) *News*, owned by Carter Glass, published the following editorial:

The fact that on the first of the present month Lynchburg rounded out a three-year period under the city manager form of administration partakes of interesting significance. It brings sharply to mind the benefits which the community has derived from the application of sensible, economical, progressive business methods to its governmental affairs—from the absence of cumbersomness, and the presence of simplicity, concentration and co-ordination in the management of the various departments of municipal activities. The experiment has been of valuably enlightening and inevitably convincing import. Certainly three years of test has produced results, by the general effect of which, the city manager form of government may well challenge impartial judgment at the hands of the public. It is very easy, if one cares to do so, to recall conditions as they were in 1920 when the new form of government was formally installed here. But when pause is had to contemplate the actual results, and the sum of the changes wrought in Lynchburg since that time, a really amazing transformation is witnessed.

Consider, for example, the condition of the streets of Lynchburg as existing in September of 1920, and as it is in September, 1923. Visualize Church, and Fifth, and Twelfth and Grace which aside from Main, are the busiest of the City's arteries of travel, and look upon them as they are at present. Their old rough, primitive, cobble stone surface has largely given way to the smooth brick with tar surface. But it is eminently worth while to note with some degree of detail the sum total of the street improvement which has been carried to completion during the first three years of the present administration. Here is a more or less comprehensive resume of the results:

More than 17 miles of streets or about 288 standard city blocks, newly constructed, resurfaced or reconstructed in Lynchburg during the past three years.

The newly constructed streets in that period cover a distance of more than 9 miles, or about 163 standard city blocks.

The resurfaced or reconstructed asphaltic streets completed during the past three years cover a distance of 7.1 miles or 125 standard city blocks.

New concrete sidewalks constructed in Lynchburg during the past three years cover a distance of 7 miles, or 123 standard city blocks.

Frankly, until considering this phase of achievement under the city manager form of government, in terms first of miles, and afterwards of standard city blocks which we estimate at 100 yards to the block, we did not have an adequate conception of the real volume of work

done, or the sum of results which have actually been wrought within the short term of three years. Certainly, when the official exhibit is contemplated from that standpoint, it suggests an altogether extraordinary meed of achievement. This proposition takes on especially impressive meaning when it is remembered that not one dollar of bonds was issued in order to finance the street work.

The paving of public thoroughfares, however, by no means represents the only conspicuous and commanding feature of the improvements effected in Lynchburg during the past three years. In the erection of new school buildings and in otherwise expanding local educational facilities, in sewer construction, water extensions, public health, the new city hall, and in respect to other sources of proper municipal concern, the record shows marked progress, a large wealth of valuable results accomplished, and permanent gains in substantially all matters affecting the public welfare. The *News* has been at pains to refer to the street improvement achievements of the present government merely as an example which luminously and inspiringly illustrates a general trend, the presence of a general condition. And so it happens that when the public desires to assess the worth and work of the municipal administration as now constituted, it has only to consider the large value of tangible benefits which it has afforded and which is easily discernible by the ordinary observer, the dispatch with which they were provided and the economies which entered into their construction.

Nor are the results thus attained the most encouraging feature of the situation. It is inspiring to observe how steadily to the future city manager Beck and the members of the city council are directing the definite, well-considered purpose. The proceedings, for example, at the council meeting Monday plainly indicated the presence of the forward-looking vision, of the progressive impulse, of the constructive design. Lynchburg is not resting upon accomplishments already scored, but under the guidance of its alert government, it is pressing on and on—always forward. The condition may well be stressed as of especially happy augury, as properly calculated to appeal to the unaffected satisfaction and the genuine civic pride of Lynchburg's entire population.